

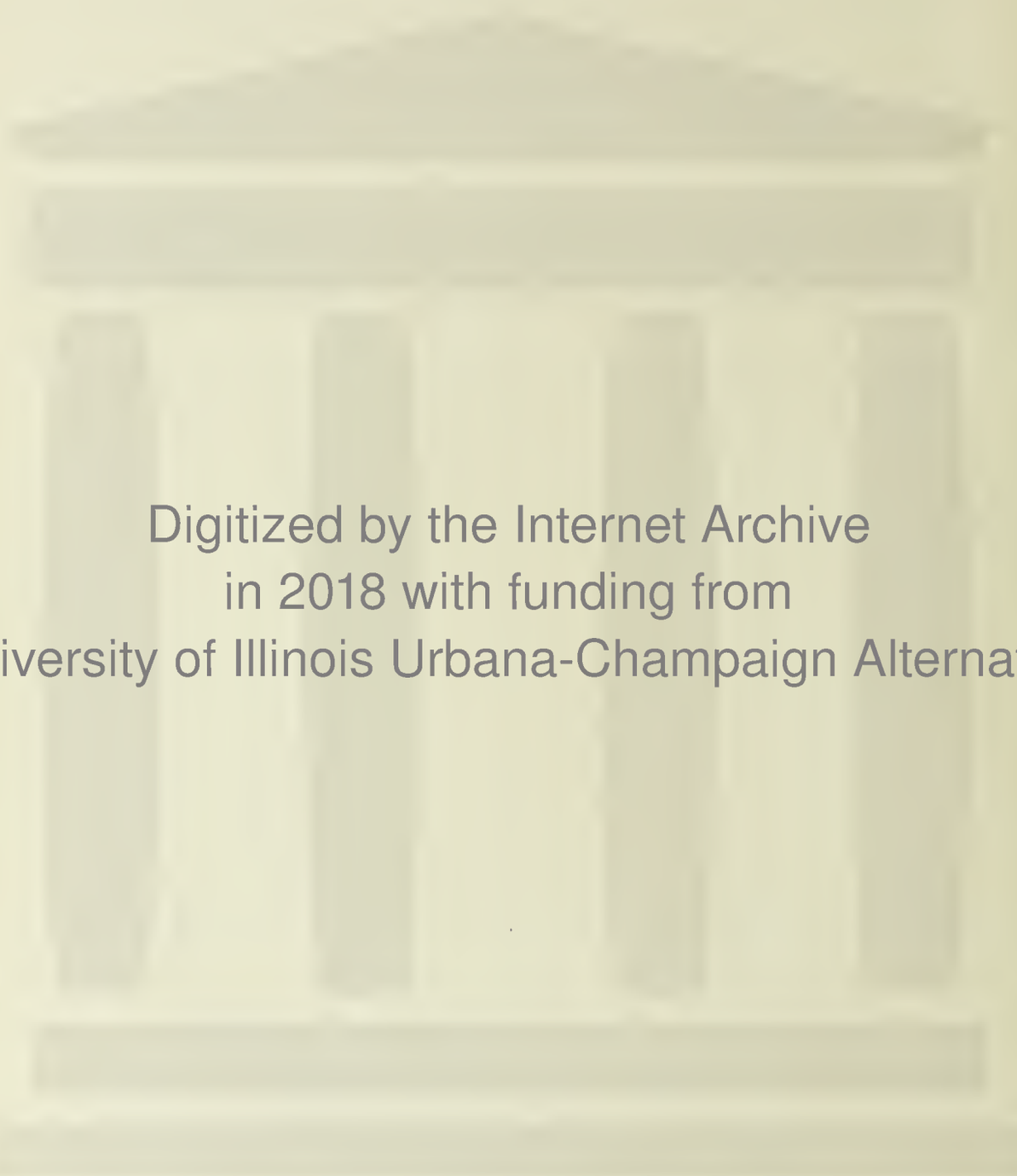
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Washington, Tuesday, February 3, 1953

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5975, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FOREIGN TAX CREDIT

On November 25, 1952, there was published in the FEDERAL REGISTER (17 F. R. 10705) a notice of proposed rule making to conform Regulations 111 (26 CFR Part 29) to section 302 of the Excess Profits Tax Act of 1950, relating to the foreign tax credit, approved January 3, 1951. No objection to the rules proposed having been received, the amendments set forth below, including a supplemental amendment (to conform § 29.131–8 of Regulations 111 to section 341 (c) and (d) of the Revenue Act of 1951) which was not published with the above notice, are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.131–1 the following:

SEC. 302. FOREIGN TAX CREDIT (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) That portion of section 131 (a) of the Internal Revenue Code which precedes paragraph (1) thereof is hereby amended by inserting after "subchapter E" the following: "and except, with respect to the tax imposed under subchapter D, only to the extent provided in subsection (j)".

(b) Section 131 of such code is hereby amended by adding at the end thereof the following new subsection:

(j) *Tax imposed by subchapter D.* This section shall be applicable for purposes of the tax imposed by subchapter D, but the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed under this section with respect to such tax against the tax imposed by this chapter without regard to subchapter D. The amount of the credit taken under this subsection shall be subject to each of the following conditions;

(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within such country bears to its entire excess profits net income for the same taxable year; and

(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

PAR. 2. Section 29.131–1, as amended by Treasury Decision 5968, approved December 30, 1952, is further amended by adding at the end of paragraph (e) thereof the following new sentence: "For taxable years ending after June 30, 1950, credit for taxes shall be allowed against the excess profits tax imposed by subchapter D of chapter 1, but only to the extent provided in section 131 (j) and § 29.131–10."

PAR. 3. Section 29.131–4, as amended by Treasury Decision 5812, approved October 6, 1950, is further amended by deleting "income" from the second sentence of paragraph (a) thereof, so that such sentence will read as follows: "The Commissioner will thereupon redetermine the amount of the tax of such taxpayer for the year or years for which such incorrect credit was granted."

PAR. 4. Section 29.131–8, as amended by Treasury Decision 5855, approved September 13, 1951, is further amended as follows:

(A) By inserting "for purpose of the income tax" in that part of the first sentence of paragraph (a) thereof which reads "is the tentative credit in respect of the taxes paid or accrued to such country or possession.", immediately after "tentative credit", so that such part will read "is the tentative credit for purpose of the income tax in respect of the taxes paid or accrued to such country or possession."

(B) By striking out that part of paragraph (a) thereof which follows the words "paid or accrued to foreign countries or possessions of the United States." and inserting in lieu thereof "In computing the tax against which the

(Continued on p. 679)

CONTENTS

Page

Alien Property, Office of
Notices:
Vesting orders, etc.:
Hotz, Julia Dora 707
Junghenn, J. Henry 707

Army Department
Rules and regulations:
National Guard regulations; burial expenses 682

Civil Aeronautics Administration
Rules and regulations:
Alterations:
Danger areas 681
Designation of:
Civil airways 680
Control areas, control zones, and reporting points 680

Civil Aeronautics Board
Rules and regulations:
Irregular air carrier and off-route rules; modification of approach and landing limitations 679

Defense Department
See Army Department.

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951 704

Economic Stabilization Agency
See Price Stabilization, Office of; Salary Stabilization Board.

Federal Power Commission
Notices:
Hearings, etc.:
Southern California Edison Co 703
Southern Utah Power Co 703

Federal Trade Commission
Notices:
Industrial bag and cover industry; notice of holding of trade practice conference 703

FEDERAL REGISTER

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CONTENTS—Continued

Interior Department — Page
See also Land Management, Bureau of; Reclamation Bureau.
Notices:
California and New Mexico; oil and gas lease applications for certain national-forest lands to be rejected; order — 700
Notice for filing objections to order — 702

Internal Revenue Bureau
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941; foreign tax credit — 677

Interstate Commerce Commission
Notices:
Glycerine from Dallas and Houston, Tex., to Newark, N. J.; application for relief — 704
Rules and regulations:
Uniform system of accounts for railroad companies; miscellaneous amendments — 697

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska; notice of filing of plat of survey (2 documents) — 699

Price Stabilization, Office of
Notices:
Directors of regional offices; delegation of authority to act under CPR 7 — 706

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page
Notices—Continued
List of community ceiling price orders; certain regions (2 documents) — 706
Rules and regulations:
Adjustment under the industry earnings standard for machinery and related manufactured goods and building materials (GOR 42):
Addition of cast-iron boilers and radiation to commodities covered — 696
Electrically operated underground coal mining machinery — 695
Relationship to certain adjustment regulations — 694
Brewers' dried products (CPR 185) — 684
Exemption and suspension of certain food and restaurant commodities; exemption of sales of brewers' wet grains (GOR 7) — 693
Food products sold in Puerto Rico; ceiling prices for sale of beef (CPR 51) — 684
Machinery and related manufactured goods; adjustment of pricing formulas under section 402 (d) (4) of Defense Production Act of 1950, as amended; extension of date (CPR 30):
SR 4 — 682
SR 8 — 683
Manufacturers' general ceiling price regulation (CPR 22):
Cast-iron boilers and cast-iron radiation; revocation — 682
Ceiling prices for manufacturers for the sale of paints, varnishes and lacquers (SR 6) — 682
Pass through for steel, pig-iron, copper and aluminum cost increases; additions to Appendix C (GOR 35):
Cast-iron boilers and cast-iron radiation — 694
Electrically operated underground coal mining machinery — 694
Relaying rail and used track accessories (CPR 186) — 688
Services; linen supply services in Pittsburgh, Pa., area; computation of price increase (CPR 34, SR 36) — 683

Reclamation Bureau
Notices:
Yuma Irrigation Project, Arizona-California; public notice of annual operation and maintenance charges and annual water rental charges — 699

Salary Stabilization Board
Rules and regulations:
Stabilization and general adjustments of salaries and other compensation; employees of certain nonprofit organizations (GSSR 1) — 696

CONTENTS—Continued

Securities and Exchange Commission — Page
Notices:
Hearings, etc.:
Appalachian Electric Power Co — 705
H. L. Green Co., Inc — 704
Southern Co. and Georgia Power Co — 704
Standard Power and Light Corp. and Standard Gas and Electric Co — 705

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 702
Proposed rule making:
Stone, glass and related products industry in Puerto Rico; minimum wage rates — 698

War Claims Commission
Rules and regulations:
Practice before the Commission — 697

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 14 — Page
Chapter I:
Part 42 — 679
Chapter II:
Part 600 — 680
Part 601 — 680
Part 608 — 681

Title 26
Chapter I:
Part 29 — 677

Title 29
Chapter V:
Part 678 (proposed) — 698

Title 32
Chapter XI:
Part 1101 — 682

Title 32A
Chapter III (OPS):
CPR 22, SR 6 — 682
CPR 22, SR 19 — 682
CPR 30, SR 4 — 682
CPR 30, SR 8 — 683
CPR 34, SR 36 — 683
CPR 51 — 684
CPR 185 — 684
CPR 186 — 688
GOR 7 — 693
GOR 35 (2 documents) — 694
GOR 42 (3 documents) — 694, 695, 696
Chapter IV:
Subchapter A (SSB):
GSSR 1 — 696

Title 45
Chapter V:
Part 501 — 697

Title 49
Chapter I:
Part 10 — 697

credit is taken there must, for taxable years beginning before January 1, 1943, be excluded the tax, if any, imposed by section 102; and, for any of such taxable years as begin after December 31, 1941, there must also be excluded the additional tax, if any, imposed for the taxable year under the provisions of section 127 (c) (3). For taxable years beginning after December 31, 1942, there must be excluded, in computing the tax against which the credit is taken, the tax imposed by section 102, the additional tax imposed for the taxable year under the provisions of section 127 (c) (3), the tax imposed by section 450 (prior to its repeal by section 6 (a) of the Individual Income Tax Act of 1944), and also, for taxable years beginning after December 31, 1950, the tax imposed by section 480; and, for taxable years ending after June 30, 1950, there must also be excluded, except to the extent provided in section 131 (j) and § 29.131–10, the excess profits tax imposed by subchapter D of chapter 1."

(C) By adding at the end of paragraph (f) thereof, which paragraph precedes example (4) and begins with the words "As to the allowance of credit", the following new sentence: "As to the allowance of credit for such taxes against the excess profits tax imposed by subchapter D of chapter 1, see section 131 (j) and § 29.131–10."

PAR. 5. There is inserted immediately after § 29.131–9 the following new section:

§ 29.131–10 *Credit against excess profits tax imposed by subchapter D.* (a) For taxable years ending after June 30, 1950, a domestic corporation is allowed a credit against the excess profits tax imposed by subchapter D of chapter 1 for the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States. To the extent pertinent, the provisions of section 131 and §§ 29.131–1 through 29.131–9 are applicable for the purpose of claiming credit for taxes under this section, except that for such purpose the amount of income and profits taxes paid or accrued during the taxable year to any foreign country or possession shall be deemed to be the amount of such taxes actually paid or accrued reduced by the amount of such taxes allowed as a credit under section 131 against the tax imposed by chapter 1 without regard to the excess profits tax imposed by subchapter D. See § 29.131–8 as to the amount of such credit allowable and as to the computation of the tax against which such credit may be taken.

(b) The amount of the income and profits taxes paid or accrued (including the taxes which, in accordance with the provisions of section 131 (f), are deemed to have been paid) during the taxable year to each foreign country or possession of the United States, limited under section 131 (j) (1) so as not to exceed that proportion of the excess profits tax which the taxpayer's excess profits net income from sources within such country or possession bears to its entire excess profits net income for the same taxable year, is the tentative credit for the purpose of this section in respect of the taxes paid or accrued to such country or possession. The sum of these tentative credits, limited under section 131 (j) (2) so as not to exceed that proportion of the excess profits tax which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year, is the amount allowable as a credit against the excess profits tax for income or profits taxes paid or accrued to foreign countries or possessions of the United States. For the determination of the excess profits net income, see §§ 40.433 (a)–1 and 40.433 (a)–2 of this subchapter (Regulations 130). For the determination of the source of such net income, see section 119 and the regulations thereunder.

(c) The application of this section may be illustrated by the following examples involving the calendar year 1951.

Example (1). In this example it is assumed that the taxpayer has no income or loss from any foreign country other than Country X. Accordingly, the limitation under section 131 (j) (2) will not change the credit determined after applying section 131 (j) (1).

(A) Normal tax net income from all sources	$100,000
(B) Total normal tax and surtax (before section 131 credit)	45,250
(C) Normal tax net income from foreign Country X	90,000
(D) Foreign tax paid on Country X income	49,500
(E) Limitation on foreign tax under section 131 (b) (1) and (2) to determine section 131 (a) credit allowable against normal tax and surtax: $\frac{\$90,000}{\$100,000} \times \$45,250$	40,725
(F) Foreign tax credit allowable against normal tax and surtax (foreign tax, but not in excess of above limitation of $40,725)	40,725
(G) Excess profits net income from all sources	80,000
(H) Excess profits net income from foreign Country X	75,000
(I) Excess profits credit	60,000
(J) Excess profits tax (before section 131 credit)	6,000
(K) Foreign tax paid on Country X income for the purpose of section 131 (j): $49,500 - $40,725	8,775
(L) Limitation on foreign tax under section 131 (j) (1) and (2) to determine section 131 (j) credit allowable against excess profits tax: $\frac{\$75,000}{\$80,000} \times \$6,000$	5,625
(M) Foreign tax credit allowable against excess profits tax (foreign tax for purpose of section 131 (j), but not in excess of above limitation of $5,625)	5,625
(N) Total income and excess profits tax (before section 131 credit): $45,250 + $6,000	51,250
(O) Total credit under section 131: $40,725 + $5,625	46,350
(P) Total income and excess profits tax after credit under section 131: $51,250 - $46,350	4,900

Example (2). The facts are assumed to be the same as those under example (1), except that there is a net loss of $10,000 allocable to foreign Country Y, which net loss was taken into account in determining the normal tax net income from all sources of $100,000 (item (A), example (1)) and the excess profits net income from all sources of $80,000 (item (G), example (1)). The total income and excess profits tax after credit under section 131 is computed as follows:

(A) Tentative foreign tax credit under section 131 (b) (1) allowable against normal tax and surtax (foreign tax paid on Country X income, but not in excess of limitation under section 131 (b) (1)): $\frac{\$90,000}{\$100,000} \times \$45,250$	$40,725
(B) Limitation on foreign tax under section 131 (b) (2) to determine section 131 (a) credit allowable against normal tax and surtax: $\frac{\$80,000}{\$100,000} \times \$45,250$	36,200
(C) Foreign tax credit allowable against normal tax and surtax (tentative credit under section 131 (b) (1), but not in excess of $36,200, limitation under section 131 (b) (2))	36,200
(D) Foreign tax paid for the purpose of section 131 (j): $49,500 - $36,200	13,300
(E) Tentative foreign tax credit under section 131 (j) (1) allowable against excess profits tax (foreign tax for purpose of section 131 (j), but not in excess of limitation under section 131 (j) (1)): $\frac{\$75,000}{\$80,000} \times \$6,000$	5,625
(F) Limitation on foreign tax under section 131 (j) (2) to determine section 131 (j) credit allowable against excess profits tax: $\frac{\$65,000}{\$80,000} \times \$6,000$	4,875
(G) Foreign tax credit allowable against excess profits tax (tentative credit under section 131 (j) (1), but not in excess of $4,875, limitation under section 131 (j) (2))	4,875
(H) Total income and excess profits tax (before section 131 credit): $45,250 plus $6,000	51,250
(I) Total credit under section 131: $36,200 + $4,875	41,075
(J) Total income and excess profits tax after credit under section 131: $51,250 - $41,075	10,175

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: January 28, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1116; Filed, Feb. 2, 1953; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–16]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MODIFICATION OF APPROACH AND LANDING LIMITATIONS

Correction

In F. R. Doc. 53–649, appearing on page 409 of the issue for Tuesday, Janu-

ary 20, 1953, the following changes should be made:

1. The sub-heading should read as set forth above.

2. In the first line of the second paragraph, "Section 42.56 *Exceptions*" should read "Section 42.56 *Instrument approach*".

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

Part 600—Designation of Civil Airways

ALTERATIONS

The civil airway alteration appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended between Puntilla Lake, Alaska, non-directional radio beacon and Nome, Alaska, radio range station to read: "Puntilla Lake, Alaska, non-directional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station."

2. Section 600.206 is amended to read:

§ 600.206 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.)*. From the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the St. George, Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; thence via Latitude 38°22'30", Longitude 110°42'00" and Latitude 38°48'00", Longitude 109°46'10" to Latitude 39°01'54", Longitude 108°47'36". From the Denver, Colo., radio range station to the Akron, Colo., radio range station. From the Grand Island, Nebr., radio range station via the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

3. Section 600.244 is amended to read:

§ 600.244 *Red civil airway No. 44 (Bellingham, Wash., to Princeton, B. C., Canada)*. That airspace over United States territory from the Bellingham, Wash., radio range station to the Princeton, British Columbia, Canada, radio range station.

4. Section 600.613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.)* is amended between Texarkana, Ark., radio range station and the Van Buren, Ark., non-directional radio beacon to read: "Texarkana, Ark., radio range station; Van Buren, Ark., non-directional radio beacon, excluding the portion which overlaps danger areas;"

5. Section 600.632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska)* is amended by changing first portion to read: "From the Pendleton, Oreg., radio range station to the Yakima, Wash., radio range station."

6. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended before Dickinson, N. Dak., omnirange station to read: "From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station; Ephrata, Wash., omnirange station; Spokane, Wash., omnirange station; Mullan Pass, Idaho, omnirange station; Missoula, Mont., omnirange station; Drummond, Mont., omnirange station to the Helena, Mont., omnirange station. From the Livingston, Mont., omnirange station via the Billings, Mont., omnirange station; Miles City, Mont., omnirange station; Golva, N. Dak., omnirange station; Dickinson, N. Dak., omnirange station;"

7. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended before Imperial, Nebr., omnirange station to read: "From the Long Beach, Calif., omnirange station via the Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station to the Mormon Mesa, Nev., omnirange station. From the Grand Junction, Colo., omnirange station via the Kremmling, Colo., omnirange station; Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a north alternate;"

8. Section 600.6019 is amended by changing the headnote to read: "VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)" and by amending the last portion to read: "From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate; Douglas, Wyo., omnirange station, including an east alternate; Casper, Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate; Sheridan, Wyo., omnirange station, including an east alternate; Billings, Mont., omnirange station; intersection of the Billings omnirange 347° True and the Lewistown omnirange 104° True radials; Lewistown, Mont., omnirange station to the Great Falls, Mont., omnirange station."

9. Section 600.6025 is amended to read:

§ 600.6025 *VOR civil airway No. 25 (Oakland, Calif., to Ellensburg, Wash.)*. From the Oakland, Calif., omnirange station via the Ukiah, Calif., omnirange station to the Red Bluff, Calif., omnirange station. From the The Dalles, Oreg., omnirange station via the Yakima, Wash., omnirange station; intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials to the Ellensburg, Wash., omnirange station, excluding those portions which overlap danger areas.

10. Section 600.6119 is added to read:

§ 600.6119 *VOR civil airway No. 119* (Unassigned).

11. Section 600.6120 is added to read:

§ 600.6120 *VOR civil airway No. 120 (Great Falls, Mont., to Miles City, Mont.)*. From the Great Falls, Mont., omnirange station via the Lewistown, Mont., omnirange station to the Miles City, Mont., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., February 3, 1953.

[SEAL] F. B. Lee,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1083; Filed, Feb. 2, 1953; 8:45 a. m.]

[Amdt. 3]

Part 601—Designation of Control Areas, Control Zones, and Reporting Points

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.1002 is amended to read:

§ 601.1002 *Control area extension (Austin, Tex.)*. That airspace within a 40-mile radius of the Austin, Tex., radio range station.

2. Section 601.1004 is amended to read:

§ 601.1004 *Control area extension (Brownsville, Tex.)*. That airspace over United States territory within a 40-mile radius of the Brownsville, Tex., radio range station, excluding the portion which overlaps danger areas and excluding the portions lying north of Latitude 26°30'00" and more than 3 miles from the United States shoreline.

3. Section 601.1007 is amended to read:

§ 601.1007 *Control area extension (Laredo, Tex.)*. That airspace over United States territory within a 35-mile radius of the Laredo, Tex., radio range station.

4. Section 601.1053 is amended to read:

§ 601.1053 *Control area extension (Houston, Tex.) (Beaumont-Palacios-Houston area).* All that airspace beginning at Latitude 30°22'00", Longitude 94°03'00", thence clockwise along an arc with a 25-mile radius, centered on the Beaumont, Tex., radio range station to Latitude 29°38'35", Longitude 94°00'00", thence south to Latitude 29°37'30", Longitude 94°00'00", thence southwesterly 3 nautical miles from and parallel to the shoreline to Latitude 28°23'20", Longitude 96°17'30", thence clockwise along an arc with a 25-miles radius centered on the Palacios, Tex., radio range station to Latitude 28°55'00", Longitude 96°38'45", thence northeasterly to Latitude 29°58'30", Longitude 95°58'30", thence clockwise along an arc with a 50-miles radius centered on the Houston, Tex., radio range station to Latitude 30°20'25", Longitude 95°17'00", thence east to point of beginning.

5. Section 601.1322 is added to read:

§ 601.1322 *Control area extension (Alice, Tex.).* All that airspace within a 35-mile radius of the Alice, Tex., radio range station excluding the portion which overlaps danger areas.

6. Section 601.1323 is added to read:

§ 601.1323 *Control area extension (Dallas, Tex.) (Dallas-Houston-Austin area).* All that airspace bounded on the northeast by a line 5 miles east of and parallel to a direct line from the Dallas, Tex., radio range station to the Houston, Tex., radio range station, on the east by Red civil airway No. 96, on the southwest by Red civil airway No. 32, and on the northwest by Amber civil airway No. 4 to the Waco, Tex., radio range station and by Blue civil airway No. 5 to the Dallas, Tex., radio range station.

7. Section 601.1324 is added to read:

§ 601.1324 *Control area extension (Brunswick, Maine).* Within 5 miles either side of a line bearing 173° True from the Brunswick, Maine, NAS nondirectional radio beacon extending to a point 15 miles south of the non-directional radio beacon.

8. Section 601.1325 is added to read:

§ 601.1325 *Control area extension (Tampa, Fla.).* All that airspace within a radius of 50 statute miles of the Tampa, Fla., radio range station, excluding the portions which overlap danger areas and Airspace Warning Areas, and including the area bounded on the northeast by a line 5 miles northeast of and parallel to a line extending from the intersection of the north course of the Tampa, Fla., radio range and the southeast course of the Cross City, Fla., radio range to the intersection of the southeast course of the Tampa, Fla., radio range and the northeast course of the Fort Myers, Fla., radio range, on the southeast by the northeast course of the Fort Myers, Fla., radio range, on the west by Red civil airway No. 25 to point of beginning.

9. Section 601.1984 *Five-mile control zones,* is amended by adding the following airport:

Shreveport, La.: Shreveport Greater Municipal Airport.

10. Section 601.2038 *Shreveport, La., control zone* is amended by changing the name "Shreveport Municipal Airport" to read: "Shreveport Downtown Airport."

11. Section 601.2089 is amended to read:

§ 601.2089 *Cleveland, Ohio, control zone.* Within a 5-mile radius of the Cleveland Municipal Airport, within 2 miles either side of the west course of the Cleveland radio range extending from the radio range station to the Elyria fan marker and within 2 miles either side of the Cleveland ILS localizer course extending from the localizer to a point 10 miles southwest of the outer marker.

12. Section 601.2168 is amended to read:

§ 601.2168 *Tampa, Fla., control zone.* That airspace within a 5-mile radius of the Tampa International Airport, within a 5-mile radius of McDill Air Force Base, within 2 miles either side of a line extending from the Tampa International Airport to the Tampa radio range station and within 2 miles either side of the southeast course of the Tampa radio range extending to a point 10 miles southeast of the radio range station, within a 5-mile radius of the Pinellas County Airport and 2 miles either side of a line extending from Pinellas County Airport to the Tampa radio range station, and within 2 miles either side of the 274° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles west of the omnirange station.

13. Section 601.2213 *Salinas, Kans., control zone* is amended by correcting the last portion to read: "including that airspace lying in a clockwise direction between the 322° True and 10° True radials of the Salina omnirange within a 10-mile radius of the Salina omnirange station."

14. Section 601.2249 is amended to read:

§ 601.2249 *Corpus Christi, Tex., control zone.* Within a 3-mile radius of Cliff Maus Airport, within 2 miles either side of the northwest course of the Corpus Christi radio range extending from the radio range station to the Odem fan marker and within 1 mile either side of a straight line extending from Cliff Maus Airport to Cuddihy Field to include a 2-mile radius of Cuddihy Field.

15. Section 601.2307 is amended to read:

§ 601.2307 *Brunswick, Maine, control zone.* Within a 5-mile radius of the Brunswick, Maine, Naval Air Station, excluding the portion which overlaps Amber civil airway No. 7, and within 2 miles either side of a line bearing 173° True from the Brunswick NAS nondirectional radio beacon extending to a point 10 miles south of the non-directional radio beacon.

16. Section 601.4206 is amended to read:

§ 601.4206 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* St. George, Utah, VHF radio range station; Bryce Canyon, Utah VHF radio range station; Latitude 38°22'30", Longitude 110°42'00"; Latitude 39°01'54", Longitude 108°47'36".

17. Section 601.4272 is amended to read:

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).* Willow Grove, Pa. (Navy), radio range station.

18. Section 601.6119 is added to read:

§ 601.6119 *VOR civil airway No. 119 control areas.* (Unassigned.)

19. Section 601.6120 is added to read:

§ 601.6120 *VOR civil airway No. 120 control areas (Great Falls, Mont., to Miles City, Mont.).* All of VOR civil airway No. 120.

20. Section 601.7001 *VOR reporting points* is amended by changing Fairville Intersection to read:

Fairville Intersection: The intersection of the Rochester, N. Y., omnirange 087° True and the Elmira, N. Y., omnirange 356° True radials.

and by adding the following reporting points:

Grand Junction, Colo., omnirange station
Kremmling, Colo., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., February 3, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1084; Filed, Feb. 2, 1953; 8:45 a. m.]

[Amdt. 47]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.40, a Pine Camp, New York (Exercise Cold Spot), temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
PINE CAMP (EXERCISE COLD SPOT) (Albany and Burlington Charts).	Beginning at lat. 44°20'00" N., long. 75°55'00" W; northeasterly along the S. shore of the St. Lawrence River to lat. 44°42'00" N., long, 75°30'00" W; easterly following the railroad tracks to the Raquette River at Norwood, N. Y., at lat. 44°45'00" N., long. 75°00'00"W; southeasterly along the Raquette River to lat. 44°17'00" N., long. 74°36'00" W.; SW. to lat. 43°48'00"N., long. 75°00'00" W.; due W. to long. 75°55'00" W.; due N. to lat. 44°20'00" N., long. 75°55'00" W., point of beginning.	Surface to 30,000 feet above terrain.	Continuous, Feb. 9, 1953, through Mar. 20, 1953.	Air Maneuver Control Center, Wheeler-Sack AAF, Pine Camp, N. Y.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 9, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1085; Filed, Feb. 2, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

BURIAL EXPENSES

In § 1101.41 (b), subparagraphs (1) (v) and (4) are amended to read as follows:

§ 1101.41 *Burial.* * * *

(b) *Expenses allowable—(1) Limitations.* * * *

(v) Interment expenses as follows:

(*a*) When interment is made in a private cemetery, an allowance not to exceed $125.00.

(*b*) When interment is made in a national or post cemetery, an allowance not to exceed $75.00.

* * * * *

(4) *Interment expenses.* Except in cases where remains are cremated, an amount may be allowed toward interment expenses as set forth in this subparagraph:

(i) When burial is made in a private cemetery the Government will, upon request, reimburse the person who pays interment expense an amount up to but not exceeding the $125.00 maximum; any expenses over and above this amount must be borne by the next of kin or other persons who incurred or paid the expenses.

(ii) When burial is made in a national or post cemetery, if expenses are incurred and paid by the next of-kin or other persons, the Government will, upon request, reimburse the person who pays such expense an amount up to but not exceeding the $75.00 maximum; any expenses over and above this amount must be borne by the next of kin or other persons who incurred or paid the expenses.

* * * * *

[C1, NGR 63, Dec. 11, 1952] (49 Stat. 1508; 32 U. S. C. 164c)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-1112; Filed, Feb. 2, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1, Amdt. 5]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

POSTPONEMENT OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 5 to Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment postpones until March 16, 1953, the mandatory effective date of Supplementary Regulation 6, Division 1, to Ceiling Price Regulation 22.

This further postponement of the mandatory effective date is issued for the reasons set forth in the statement of considerations accompanying Amendment 4 to the supplementary regulation and upon the demonstration, to the satisfaction of the Director of Price Stabilization, that the previous extension of time to January 30, 1953, had also proved to be inadequate.

In the formulation of this amendment informal consultation has been had with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 is amended by changing the last paragraph thereof (effective date) to read as follows:

Effective date. The mandatory effective date of this supplementary regulation is March 16, 1953. However, if you so elect, you may make this regulation effective as to you at any time between August 13, 1952, and March 16, 1953. If you do so elect, this supplementary regulation, on the date you exercise your option, becomes effective as to you for all your commodities covered hereby.

This Amendment 5 to Supplementary Regulation 6, Revision 1, is effective January 30, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1187; Filed, Jan. 30, 1953; 4:56 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 19, Revocation]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 19—CAST-IRON BOILERS AND CAST-IRON RADIATION

REVOCATION

Supplementary Regulation 19 to Ceiling Price Regulation 22 (SR 19 to CPR 22), which was issued November 28, 1951, authorized adjustments in the ceiling prices of manufacturers for their sales of cast-iron boilers and cast-iron radiation. Since that time it has been determined that this industry is entitled to a further adjustment of its ceiling prices under the industry earnings standard. This further adjustment is authorized by Amendment 4 to GOR 42, which is being issued simultaneously with this revocation. The ceiling prices established by Amendment 4 supersede those established by SR 19; therefore SR 19 is being revoked.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Order No. 2, Supplementary Regulation 19 to Ceiling Price Regulation 22 is hereby revoked, effective February 4, 1953.

(Sec. 704, 64 Stat. 716, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1152; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 30, Amdt. 5 to Supplementary Regulation 4]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 4—ADJUSTMENT OF PRICING FORMULAS UNDER SECTION 402 (D) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

EXTENSION OF DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 4 to SR 4 to CPR 30 added a new section to SR 4 to permit manu-

facturers who desire to determine a so-called "Capehart adjustment" for their ceiling prices to calculate the permissible increases in overhead costs by the use of an "overhead cost adjustment factor" for a product line, category, or unit, or for the entire business.

The amendment, in part, states that "on and after January 31, 1953, you may not sell any formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling price exclusive of any so-called 'Capehart Adjustment' under SR 4 or SR 5 to CPR 30 unless you have made the computations and filed the forms required by this supplementary regulation or SR 8, as amended, to CPR 30." Some manufacturers have indicated that they will not be able to make the calculations required by SR 4 to CPR 30, as amended, or SR 8 to CPR 30, as amended, by January 31, 1953. This amendment, therefore, extends the date on and after which a manufacturer may not sell a formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling prices, exclusive of any so-called "Capehart Adjustment" under SR 4 or SR 5 to CPR 30 unless the manufacturer has complied with the requirements of either SR 8 to CPR 30, as amended, or SR 4 to CPR 30, as amended, from January 31, 1953 to February 28, 1953.

In view of the technical nature of the changes made by this amendment, and the desirability of immediate action, the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to Ceiling Price Regulation 30 is amended in the following respects:

1. Paragraph (b) of section 15 of SR 4 to CPR 30 is amended to read as follows:

(b) You manufacture commodities or supply services for which you determine base period prices under section 9 of CPR 30 (formula priced commodities and services). The application for adjustment for these commodities and services may be made separately from your application for other commodities and services covered by CPR 30, and you may adjust ceiling prices for these formula priced commodities and services separately. You may determine an adjustment for formula priced commodities and services under this supplementary regulation by making the necessary computations and filing an OPS Public Form No. 100 as required, or you may use SR 8 to CPR 30 to determine adjusted ceiling prices for such commodities and services. However, on and after February 28, 1953, you may not sell any formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling price exclusive of any so-called "Capehart Adjustment" under this supplementary regulation or SR 5 to CPR 30 unless you have made the computations and filed the forms required by this supplementary regulation or SR 8 to CPR 30.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 30, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1153; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 30, Amdt. 4 to Supplementary Regulation 8]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 8—ADJUSTMENT OF PRICING FORMULAS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

EXTENSION OF DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 8 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 3 to Supplementary Regulation 8 to Ceiling Price Regulation 30 made certain changes in the provisions of SR 8 to CPR 30 which involve the relationship between SR 8 and Supplementary Regulation 4 to CPR 30 (Adjustment under section 402 (d) (4) of the Defense Production Act of 1950, as amended).

The amendment, in part, states that "on and after January 31, 1953, you may not sell any formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling price exclusive of any so-called 'Capehart Adjustment' under SR 4 or SR 5 to CPR 30 unless you have made the computations and filed the forms required by this supplementary regulation or SR 4, as amended, to CPR 30." Some manufacturers have indicated that they will not be able to make the calculations required by SR 8 to CPR 30, as amended, or SR 4 to CPR 30, as amended, by January 31, 1953. This amendment, therefore, extends the date on and after which a manufacturer may not sell a formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling prices, exclusive of any so-called "Capehart Adjustment" under SR 4 or SR 5 to CPR 30 unless the manufacturer has complied with the requirements of either SR 8 to CPR 30, as amended, or SR 4 to CPR 30, as amended, from January 31, 1953 to February 28, 1953.

In view of the technical nature of the changes made by this amendment, and the desirability of immediate action, the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 8 to Ceiling Price Regulation 30 is amended in the following respect:

1. Subparagraph (3) of section 9 (b) of SR 8 to CPR 30 is amended to read as follows:

(3) *Relation to Supplementary Regulation 4 to Ceiling Price Regulation 30.* You may, at your option, use either this supplementary regulation or SR 4, as amended, to CPR 30 to determine adjusted ceiling prices for formula priced commodities and services. If you have already adjusted your ceiling prices under SR 4 to CPR 30 for commodities and services other than formula priced commodities and services, you may now file a separate application to adjust ceiling prices for formula priced commodities and services under this supplementary regulation or you may file an amended application under SR 4, as amended, to CPR 30 to adjust ceiling prices for such commodities or services. However, on and after February 28, 1953, you may not sell any formula priced commodity or service at a ceiling price in excess of the properly determined CPR 30 ceiling price exclusive of any so-called "Capehart Adjustment" under SR 4 or SR 5 to CPR 30 unless you have made the computations and filed the forms required by this supplementary regulation or SR 4, as amended, to CPR 30.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 30, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1154; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 36]

CPR 34—SERVICES

SR 36—LINEN SUPPLY SERVICES IN THE PITTSBURGH, PA., AREA

COMPUTATION OF PRICE INCREASE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 36 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 36 to Ceiling Price Regulation 34 modifies the computation of ceiling price increases granted by this supplementary regulation. Supplementary Regulation 36 permits linen supply service sellers in the Pittsburgh, Pennsylvania, Area to increase their ceiling prices by 6 percent. In cases where the new ceiling price consists of a fraction of a cent, the regulation permits the price to be rounded to the nearer full cent. However, it has been customary

in the linen supply business in this area to compute prices on the basis of the nearer one-half cent rather than the full cent. Accordingly, in order to conform the provisions of Supplementary Regulation 36 to established linen supply pricing practices in the affected area, section 3 (c) of Supplementary Regulation 36 is amended to set forth new instructions on how to determine the ceiling price in those cases where the rounding of fractions of a cent is required.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph (c) of section 3 of Supplementary Regulation 36 to Ceiling Price Regulation 34 is amended to read as follows:

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower one-half cent if the fractional cent is less than one-quarter cent, or may be increased to the next higher one-half cent if the fraction is one-quarter cent or more.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 36 to Ceiling Price Regulation 34 shall be effective on January 30, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1155; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 51, Amdt. 8]

CPR 51—FOOD PRODUCTS SOLD IN PUERTO RICO

CEILING PRICES FOR SALE OF BEEF IN PUERTO RICO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 51 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to Ceiling Price Regulation 51 fixed the ceiling prices for sales of live cattle and established dollar and cents ceiling prices at wholesale and retail for sales in Puerto Rico of beef produced from cattle slaughtered in Puerto Rico, the Dominican Republic or the Virgin Islands.

When Amendment 1 to CPR 51 became effective, it was the traditional practice to import into Puerto Rico only beef in the carcass from the Dominican Republic and only beef cuts trimmed according to the American style from the continental United States. This customary practice has undergone some change since the issuance of Amendment 1. The Dominican Republic is now exporting beef cuts to Puerto Rico, and the continental United States is sending to Puerto Rico lean beef in carcass which so resembles locally produced beef that it is indistinguishable from it when cut and trimmed according to the traditional method in Puerto Rico.

Retail ceiling prices for United States produced beef under CPR 9 are considerably higher than those applicable to locally produced beef, a situation which could well lead to the evasive practice of upgrading local and Dominican beef.

This amendment extends the coverage of CPR 51 to include all sales at wholesale of beef in the carcass, irrespective of point of origin. In addition, this amendment establishes wholesale ceiling prices for retail cuts of beef derived from animals slaughtered in Puerto Rico, the Dominican Republic or the Virgin Islands, and from cattle slaughtered in the continental United States, and cut in Puerto Rico according to the Puerto Rican style. It does not include beef cuts, trimmed in the American style in the United States and exported to Puerto Rico. These remain subject to Ceiling Price Regulation 9. Neither does it revise retail prices for beef cuts, as set forth in section 3.1 (b) (2).

There has been some uncertainty heretofore concerning the pricing of beef imported in quarters. To clarify this, the definition of "beef carcass" has been extended by this amendment to specifically include hindquarters and forequarters.

In the judgment of the Director, the nature of this amendment and the special circumstances involved in its issuance has made formal consultation with the industry impracticable. In his opinion, the provisions of the amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Article 3 of Ceiling Price Regulation 51 is amended to read as follows:

ARTICLE 3—MEAT

SEC. 3.1. *Beef*—(a) *Definitions.* (1) "Beef" means meat delivered from the carcasses of bovine animals except calves.

(2) "Beef carcass" means and is limited to the dressed carcass, sides, hindquarters or forequarters of beef.

(3) "Meat" means tenderloin, round meat, stew beef, soup meat, and ground meat, as defined herein.

(4) "Tenderloin" means fillet.

(5) "Round meat" (carne de biftec) means lomillo, masa de cadera, masa redonda, masa larga, babilla, and landrecilla.

(6) "Stew meat" (carne de guisar) means faldilla, pecho, sobrepecho, pescuezo, espalda, sobrelomo, and costillas.

(7) "Soup meat" (carne de sopa) means garron, patas, and bones with twenty-five percent or more of meat.

(8) "Ground meat" means ground, chopped or comminuted beef, derived from the cutting and cleaning of the dressed carcass.

(b) *Ceiling prices.* Ceiling prices for beef are established as follows:

	Sales at wholesale	Sales at retail
	Per pound	*Per pound*
1. Beef carcass delivered at retailer's place of business	$0.35	----------
2. Beef cuts from cattle slaughtered in Puerto Rico, the Dominican Republic, or the Virgin Islands or cut in Puerto Rico from the beef carcass imported from the United States:		
Tenderloin	.92	$1.10
Round meat	.57	.68
Stew meat (boneless)	.38	.46
Stew meat (ribs with not more than 50 percent of bones)	.23	.28
Soup meat	.15	.18
Bones	.07	.09
Ground meat	.21	.25

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Ceiling Price Regulation 51 is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1156; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 185]

CPR 185—BREWERS' DRIED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sales of brewers' dried products by processors, jobbers, wholesalers and retailers.

Brewers' dried products are by-product feeds resulting from the manufacture of malt and beer. The dried products covered by the regulation include brewers' dried grains, malt sprouts, malt dried grain, malt cleanings and malt hulls. These products are part of the total high protein feed supply of this country. They are used extensively as feed ingredients because of their high protein content and feeding value. Their production has increased from approximately 98,900 tons during 1935–36 to 239,000 tons for 1950–51.

Brewers' specialty products are excluded from the regulation at this time and remain subject to the General Ceiling Price Regulation and Supplementary Regulation 7 to that regulation. Brewers' specialty products are products made from brewers' dried grains (or the other dried products named above) to which other ingredients have been added. Owing to the various individual formulas used by processors, it is not feasible to establish new ceiling prices for specialty products at this time. However, the Director of Price Stabilization is making a study of these products with a view to including them under the regulation at such time as adequate data on which to base prices or a pricing method is available.

Ceiling prices for brewers' dried grains and brewers' wet grains were frozen at depressed levels under the General Ceiling Price Regulation owing to the abnormally high production and large supply of distillers' dried grains, a closely competitive feed. Adjustments which have been made in the ceiling prices of distillers' dried grains, corn gluten feed, and other competing by-product feeds have distorted the normal price relationships between those products and brewers' dried products. This regulation for brewers' dried products, among other things, removes many of the price distortions which existed under the GCPR. The new ceiling prices are set at a level slightly higher than that required to cover present ceilings of the bulk line of production.

This regulation establishes dollars-and-cents ceiling prices for processors' bulk sales of brewers' dried products of 24 percent or higher protein content at seven basing points. The regulation sets up five pricing areas, and processors' f. o. b. plant and delivered ceiling prices are determined by reference to the applicable basing point price plus freight as allowed under the regulation. For the West Coast area (California, Oregon and Washington) a five dollar per ton differential over the Chicago, Illinois basing point price is provided in accordance with established differentials. The areas specified are the same as those used during wartime controls by OPA, as recommended by the Industry Advisory Committee.

Provision is made for l. c. l. sales, for sales of products of less than standard (24 percent) protein content and for sacks and sacking allowances.

The regulation provides for only one markup for jobbers as a class and one markup for wholesalers as a class. The jobber calculates his ceiling price by applying the dollars-and-cents markups named in the regulation to the processors' ceiling price at the same point. Wholesalers and retailers determine their ceiling prices by applying the markups specified in the regulation to their suppliers' delivered ceiling prices.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable provisions of that Act.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The specifications and standards used in this regulation were, prior to the issuance of the regulation, in general use in the industry. Every effort has been made to conform this regulation to existing business practices, cost practices and methods, and means and aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Processors' ceiling prices, per ton, bulk.
3. Jobbers' ceiling prices.
4. Wholesalers' and retailers' ceiling prices.
5. Allowance for sacks and sacking.
6. Petitions for amendment.
7. Adjustable pricing.
8. Excise taxes.
9. Transfer of business.
10. Records.
11. Interpretations.
12. Compliance and enforcement.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does—*(a) *Coverage.* This regulation establishes ceiling prices for sales by processors, jobbers, wholesalers and retailers of the brewers' dried products listed in section 2. For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation (GCPR) and Supplementary Regulation (SR) 18, Rev. 1 to the GCPR.

(b) *Geographical applicability.* This regulation applies in the 48 States of the United States and the District of Columbia.

(c) *Exemptions.* This regulation does not aply to:

(1) Export sales and sales for export. These sales are covered by Ceiling Price Regulation 61.

(2) Sales of imported brewers' dried products. These sales are covered by Ceiling Price Regulation 31.

(3) Brewers' specialty products (as defined in section 13 (c) (4). Sales of such products are covered by the General Ceiling Price Regulation and Supplementary Regulation 7 thereto.

SEC. 2. *Processors' ceiling price, per ton, bulk.* If you are a processor, your ceiling price for brewers' dried grain, malt dried grain, malt cleanings, malt hulls and malt sprouts are as follows:

(a) *Deliveries in carload shipments containing 24 percent or higher protein content.* Your ceiling price for a product containing 24 percent or higher protein content in a carload shipment or a pool carlot is the applicable price specified in Table 1A. The term, "transportation cost," used in this Table is defined in section 13 (d) (4).

TABLE 1A

In area	Ceiling price f. o. b. plant [1]	Delivered ceiling price [2]
A	Chicago, Ill., basing point price, plus lowest proportional grain products rail rate from Chicago to plant.	Chicago, Ill., basing point price, plus lowest proportional grain products rail rate from Chicago to point of delivery in Area A except: On shipments from St. Louis, Mo., add $1.20 per ton.
B	St. Louis, Mo., basing point price, plus $2 per ton, plus the lowest proportional grain products rail rate from St. Louis to plant.	St. Louis, Mo., basing point price plus $2 per ton, plus the lowest proportional grain products rail rate from St. Louis to point of delivery in Area B.
C	Chicago, Ill., basing point price, plus $5 per ton	F. o. b. plant price, plus "transportation cost" from the plant to point of delivery in Area C.
D	(*a*) For plants located at a basing point in Area D: the price listed in Table 1B for the basing point at which the plant is located. (*b*) For plants located at other points: the basing point price at Milwaukee, Wis., or Minneapolis, Minn., whichever is closer by the shortest railroad route.	(*a*) For deliveries at a basing point in Area D: the price listed in Table 1B for the basing point at which delivery is made. (*b*) For deliveries at other points in Area D: F. o. b. plant price plus "transportation cost" from the plant to the point of delivery in Area D.
E	(*a*) For plants located at a basing point in Area E: the price listed in Table 1B for the basing point at which the plant is located. (*b*) For plants located at other points: the basing point price at St. Louis, Mo., or Minneapolis, Minn., plus lowest applicable carload rail rate from the basing point to the plant, whichever results in the lower f. o. b. plant price.	(*a*) For deliveries at a basing point in Area E from plants not located at that basing point: the price listed in Table 1B for the basing point at which delivery is made. (*b*) For deliveries at other points in Area E: F. o. b. plant price, plus "transportation cost" from the plant to the point of delivery in Area E.

[1] Applies only to delivery made within switching limits of the railroad point at which plant is located.
[2] Applies to all deliveries in the designated area regardless of processor's plant location.

TABLE 1B—BASING POINT PRICES

Basing point	Brewers' dried grains (24 percent or higher protein content)	Malt dried grain, malt cleanings, malt hulls, and malt sprouts (24 percent or higher protein content)
Chicago, Ill	$54.00	$52.00
Milwaukee, Wis	54.00	52.00
Peoria, Ill	54.00	52.00
St. Louis, Mo	54.00	52.00
Kansas City, Mo	54.00	52.00
Minneapolis, Minn	52.00	50.00
Omaha, Nebr	54.00	52.00

(b) *Less than 24 percent protein content.* If you sell a brewers' dried product listed in section 2 of less than 24 percent protein content, calculate your ceiling price by deducting from the price specified in paragraph (a) of this section for 24 percent protein content, $1.00 per ton for each unit of protein, or fraction thereof, by which the lot has less than 24 percent protein content.

(c) *L. C. L. differential.* For deliveries in less than carload lots, your ceiling price is the applicable price specified in paragraphs (a) or (b) of this section, plus $1.00 per ton.

SEC. 3. *Jobbers' ceiling prices.* If you are a jobber, your ceiling price for a lot of brewers' dried products listed in section 2, delivered at any point, is the processor's ceiling price for that lot at the same point, as determined under section 2, plus the applicable markup set forth in Table II.

TABLE II—JOBBERS' MARKUPS

Type of delivery made by jobber:	*Markup per ton*
Deliveries in pool car lots	$2.25
All other deliveries	2.00

SEC. 4. *Wholesalers' and retailers' ceiling prices.* (a) If you are a wholesaler or a retailer, your ceiling price for a brewers' dried product listed in section 2 is your "cost at ceiling" (as determined under paragraph (b) of this section), plus your "transportation cost" (as defined in section 13 (d) (4)), if any, from your warehouse or store, plus the applicable markup set forth in Table III.

TABLE III—WHOLESALERS' AND RETAILERS' MARKUPS

	Markup per ton
Wholesalers	$5.00
Retailers	9.00

(b) Except as provided in paragraph (c) in this section, determine your "cost at ceiling" for a brewers' dried product by the following methods:

(1) *Method 1.* If you maintain the identity of any receipt, then, on the sale of such receipt, you may use as your "cost at ceiling" your supplier's ceiling price for that receipt at the rail point nearest your warehouse or store plus your transportation cost, if any, from that rail point to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) *Method 2.* You may use this method for the resale of any two or more receipts. In using it, you may not include in your calculations any receipt whose identity is maintained and for which you determine your "cost at ceiling" under Method 1.

For receipts in bulk, use as your "cost at ceiling" the weighted average of your suppliers' delivered ceiling prices at the rail point nearest your warehouse or store plus your transportation costs, if any, from that rail point to your warehouse or store. Determine your "cost at ceiling" for receipts in sacks by the same method. You calculate each weighted average of ceiling prices as follows:

(i) Select a day for calculation and recalculate on that day each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

(*a*) *Step 1.* Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

(*b*) *Step 2.* Multiply the number of tons of each receipt by your supplier's ceiling price per ton for that receipt at the rail point nearest your warehouse or store and add to this amount your transportation costs, if any, from that rail point to your warehouse or store.

(c) *Step 3.* Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is the "cost at ceiling" for the first week for all sales of that brewers' dried product (except, of course, for sales for which you elect to determine your ceiling price under Method 1).

(iii) Follow the directions of subdivision (ii) of paragraph (b) (2) of this section for all weekly calculations except that you use your last receipt prior to the day of recalculation and all receipts during the 14 day period preceding such last receipt in arriving at your "cost at ceiling."

(iv) If you wish to discontinue using this Method 2 for a brewers' dried product, you may do so if, on the next recalculation day, you take an inventory of the product. You may then treat the amount in inventory (excluding any receipts priced under Method 1) as a receipt on which your "cost at ceiling" is the weighted average price you would compute under this Method 2 for the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

(c) Only one markup by a wholesaler is permitted under this regulation in connection with the sale of any brewers' dried product. Accordingly, if you are a wholesaler and you buy a receipt which another wholesaler has handled, your ceiling price for such receipt is your supplier's ceiling price to you for the receipt plus your transportation costs, if any, to and from your warehouse or store. You must, of course, exclude such receipt from your calculations of any "cost at ceiling" under paragraph (b) of this section.

SEC. 5. *Allowance for sacks and sacking.* (a) If you are a processor and you sell and deliver a brewers' dried product in your sacks, or if you are a wholesaler or a retailer and you sack a brewers' dried product which you buy in bulk, you may add to your ceiling price, as otherwise determined under this regulation, $1.00 per ton plus the lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the brewers' dried product you deliver; or

(2) The applicable allowance set forth in Table IV.

TABLE IV—SACKING ALLOWANCES PER TON

Type and size of bag	New sacks		Used sacks	
	7½ ounces	10 ounces	7½ ounces	10 ounces
Burlap:				
40 x 54	$3.75	$4.75	$3.10	$3.50
40 x 76	5.00	6.25	4.20	4.60
45 x 62	4.75	6.50	4.60	5.00
45 x 63	5.00	6.60	4.65	5.05
45 x 65	5.15	6.80	4.75	5.15
45 x 66	5.25	6.90	4.80	5.20
45 x 70	5.50	7.25	5.00	5.40
45 x 74	5.80	7.60	5.20	5.60

	New sacks	Used sacks
Cotton:		
40 x 53	$5.40	$3.50
40 x 75	7.50	4.70
Paper:		
20 x 5 x 41	3.50	----------
21 x 5 x 49	3.75	----------

(b) If you sack a lot of brewers' dried product in sacks furnished by your buyer, you may add $1.00 per ton to your ceiling price for the lot in bulk, as otherwise established under this regulation.

SEC. 6. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 7. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 8. *Excise taxes.* If you have customarily separately stated and collected any excise or similar tax, you may continue to collect the current amount of any such tax in addition to your ceiling price. If you did not customarily state and collect separately from the purchase price the amount of tax paid by you, you may not collect the amount of such tax in addition to your ceiling price. In the case of such tax imposed after the effective date of this regulation, if at the time you calculate your ceiling price the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from the purchase price, you may collect in addition to your ceiling price, the amount of the tax actually paid by you. In every case where the tax is collected from the purchaser, the amount thereof shall be separately stated.

SEC. 9. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any brewers' dried product business and carry on the business or continue to deal in any brewers' dried product separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business, assets or stock, you must either preserve and make available, or turn over to the transferee all records which are necessary for him to comply with the ceiling price or record provisions of this regulation.

SEC. 10. *Records*—(a) *General.* Except as otherwise provided in this section, every person who sells and every person who in the course of business buys a brewers' dried product shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(b) *Sales.* Every person making a sale under this regulation (except sales to feeders of lots of less than 1,000 pounds) shall keep the following record of each such sale. Such record must be made part of the invoice or bill of sale

and a copy given to the buyer; except that the record of sales to feeders does not have to be in the form of an invoice or bill of sale, but upon demand must be given to the feeder. Every sales record must state: the name and address of the seller and buyer; the date of sale and delivery; the kind of brewers' dried product and its protein content; the selling price. Except for sales of 5,000 pounds or less to a feeder, sales records must also contain the following information:

(1) *Sales by processors.* Record the applicable basing point and the basing point price, except that processors located in Area C record the f. o. b. plant ceiling price; the transportation cost allowable for the sale under section 2 (a), the charge if any made for sacks and sacking, and the differential allowed for L. C. L. sales, if applicable.

(2) *Sales by jobbers.* The processor's ceiling price at the jobber's point of delivery, the location of the processor's plant, and any markup allowed by the regulation which is added by the seller.

(3) *Sales by wholesalers and retailers.* The seller's "cost-at-ceiling" as determined under section 4; the charge, if any, made for sacks and sacking, and any markup allowed by the regulation which is added by the seller.

(c) *Purchases.* Every person other than a feeder making a purchase in the course of trade or business must keep the records which his seller is required to give him under this section.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local Office of Price Stabilization District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation No. 1, Revised.

SEC. 12. *Compliance and enforcement*—(a) *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or deliver and no person in the regular course of trade or business shall buy or accept delivery from you at a price higher than the ceiling price established under this regulation; and you shall make and preserve true and accurate records required under this regulation.

(b) *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted under this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to devices making use of commissions services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in-agreements, trade understanding, as well as omission from records of true data and inclusion in the records of false data.

(c) *Penalties.* If you violate any provisions of this regulation, you are subject to criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act of 1950, as amended.

SEC. 13. *Definitions.* When used in this regulation, the following terms shall have the following meanings:

(a) *Areas.* (1) "Area A" includes Michigan, the area East of the Illinois-Indiana state line, and North of the Ohio River to Kenova, West Virginia; and North of the Norfolk and Western Railroad line from Kenova, West Virginia to Roanoke, Virginia and that area North of the Virginian Railway from Roanoke, Virginia to Norfolk, Virginia.

(2) "Area B" includes the states of Arkansas, Louisiana, Oklahoma and Texas and that area located south of Area A, east of the Mississippi River.

(3) "Area C" includes the states of California, Washington and Oregon.

(4) "Area D" includes the states of Minnesota and Wisconsin.

(5) "Area E" includes the states of Illinois, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada and Arizona.

(b) *Sellers and related terms.* (1) "Jobber" means, with respect to any lot, a person other than the processor who sells such lot without having previously unloaded it into a warehouse or store.

(2) "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(3) "Processor" means, with respect to any lot, the person who manufactures that lot from the residue obtained in the manufacture of wort for beer or the manufacture of malt.

(4) "Retailer" means a person, other than the processor who maintains a "store", and who, with respect to any lot he has purchased and unloaded into the store, resells such lot to a feeder.

(5) "Sale and delivery" means the sale or delivery, and offers to sell or deliver.

(6) "Store" means a building where a regular business of selling and delivering feeds or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis in such business or in a general retail business of which such feed or grain business is a part.

(7) "Wholesaler" means, with respect to any lot:

(i) A person, other than the processor, who, after having unloaded it into a warehouse or store, sells such lot to anyone other than a feeder; or

(ii) A person other than the processor, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(8) "You" means a person subject to this regulation.

(9) "Your supplier" means the person from whom a wholesaler or retailer purchases the lot for which he is establishing a ceiling price.

(c) *Products.* (1) "Brewers' dried grains" are the dried extracted residue of barley malt alone, or in mixture with other cereal grain or grain products, resulting from the manufacture of wort for beer or syrup.

(2) "Malt sprouts" are the sprouts of the barley grain obtained from malted barley. Sprouts derived from any other malted cereal must be designated by the name of the cereal.

(3) "Malted dried grain, malt cleanings and malt hulls" are the byproducts resulting from the manufacture of malt.

(4) "Brewers' specialty products" are feed products manufactured from the products listed in subparagraph (1), (2) or (3) of this paragraph to which other ingredients have been added.

(d) *Miscellaneous.* (1) "Carload shipment" means a lot which, when shipped by rail, takes a carload rate under the applicable railroad tariff requirements and includes mixed car shipments taking such rate.

(2) "Pool car lot" means a lot being shipped to the buyer as part of a rail carload shipment of products sold by one seller to two or more persons.

(3) "Less-than-carload lot" means any lot other than a pool car lot which is less than a carload shipment. It includes any delivery by or into a truck.

(4) "Transportation cost" means:

(i) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily in such transportation charges) which are actually incurred by the seller or the purchaser, as the case may be. This amount may include, if applicable, the 3 percent transportation tax.

(ii) When the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading) not exceeding the lawful common carrier or contract carrier rate for the same service or any ceiling price established by the Office of Price Stabilization for such service.

(iii) When any movement involves a combination of the types of transportation described in subdivisions (i) and (ii) of this subparagraph, the sum of the amounts computed separately for each portion of the movement.

(5) "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(6) "Unit of protein" means one percent of protein content.

Effective date. This regulation becomes effective February 13, 1953.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1157; Filed, Jan. 30, 1953; 12:59 p. m.]

[Ceiling Price Regulation 186]

CPR 186—Relaying Rail and Used Track Accessories

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 186 is hereby issued.

STATEMENT OF CONSIDERATIONS

Introduction. Relaying rail is currently priced under the General Ceiling Price Regulation (GCPR) along with used track accessories. Relaying rail is simply used rail which is suitable for use in track, instead of for rerolling (into smaller rails or split into bar shapes) or scrap. Sometimes rail which is suitable for reuse in track is also used for mine props, ship launching rails, etc. Both rerolling rail and scrap rail are subject to Ceiling Price Regulation (CPR) 5. Normally, all but a small portion of relaying rail originates from the Class I railroads and Class I switching lines. These railroads themselves, of course, keep relaying their own rails into low speed track or sidings and do not put all of it on the market. The rails vary in weight, construction and section and are generally interchangeable with one another. Most relaying rail for use in other than mining or logging work is of at least 65 pounds per yard. The used track accessories, which include joint bars, tie plates, track spikes and track bolts, are normally sold along with the relaying rail, except for sales by warehouses where less-than-carload quantity sales cause accessories to be sold at a price higher than rail.

Need for regulation. For some time several large Class I railroads, which were frozen with below average ceiling prices, have complained about the lack of uniformity in prices for the identical rail. These railroads have not released as much relaying rail for sale as they might otherwise have done in the normal course of business, thus, causing a shortage of such rail. This situation has been heightened by the fact that the National Production Authority (NPA) has been forced to reduce the allotment of new rails for the Class I railroads in order to meet the priority purchases of the defense agencies. The less new rail which a railroad can obtain, the less relaying rail the railroad will release.

The unwillingness of railroads to sell directly to military procurement agencies because of difficulties involved in sorting, segregating and providing rail which will satisfy the specifications of military procurement regulations has caused at least one reseller to be injected into most sales of relaying rail. This reseller inspects, sorts out or attempts to sort out, rail of the required quality. For this added service and handling, frequently in small lots, he is entitled to a markup. However, many resellers are warehousers who bring the rail into their warehouses, segregate it, recondition it and stock it for ultimate resale in usually less-than-carload lots. Prior to price control, these resellers have naturally maintained a price level higher than the dealer who usually ships direct from an accumulation point at the point of origin of the rail and performs few, if any, reconditioning services. Practically all dealers in relaying rail have high GCPR prices, often based upon sales out of warehouse stock. Thus, such a dealer, under the GCPR, has been using his warehouse price whether he ships directly to a consumer from the rail line or from his warehouse.

Because of this unrealistic price pattern many short line railroads and government agencies have had to pay unreasonably high prices—often in excess of new rail. As an alternative, the military procurement agencies have often insisted on buying the lower priced new rail. Thus, there has been a misdirection of new rail to uses for which relaying rail would be completely adequate.

One of the objectives of this regulation is to eliminate the possibility of recurrence of this situation.

What this regulation does. This regulation supersedes the GCPR and applies to sales of relaying rail and used track accessories at the three levels at which distribution normally takes place: railroads, dealers and warehouse resellers. Any other sellers must apply for the establishment of a price.

While any weight of relaying rail per yard is included in the coverage of the regulation, rail of 60 pounds per yard and less may be sold only at prices established by the Office of Price Stabilization upon application by the prospective seller.

The pricing method. In establishing ceiling prices for relaying rail under this regulation, essentially two pricing methods are used for the three classes of sellers. A flat dollars-and-cents ceiling shipping point price is provided for railroads and dealers. A formula is used to determine the ceiling shipping point price for warehouse resellers. The price established for railroads represents approximately the GCPR base period price level for railroads selling the bulk of relaying rail.

The ceiling price for dealers contains a markup of $5.00 per ton over the railroad ceiling price which the industry members indicate allows the dealer a fair and equitable margin of profit for the service he renders and the cost of handling. The collection of data has been limited and any information obtained from future collection of data will result in OPS changing the markup, if a need appears, to reflect the more accurate information which may come from additional data. There is no customary industry markup. Consequently the Herlong Amendment is inapplicable to this industry.

A formula for establishing the ceiling prices of relaying rail and used track accessories separately has been provided for warehouse resellers. This formula takes into consideration the cost of the rail, the cost of transportation and a markup. In this case also the Herlong Amendment is inapplicable because there has been no customary markup utilized in the industry. Rather, such sellers have sold at the best price the market affords. The markup reflected in the formula amounts to approximately 25 per cent on cost for rails and 50 per cent on cost for used track accessories. These markups were represented to OPS by Industry Advisory Committee members to allow for warehousing services and a fair and equitable margin of profit for the warehouser. Again, the data collected to support the use of these particular markups is limited. Should further collection of data indicate that changes should be made in these markups, such changes will be made where justified.

The railroads and dealers will use the same ceiling prices for relaying rail as for used track accessories. This has been the normal practice and acceptable to both industries. However, the warehouse resellers have customarily made differentials based on the quantity of purchases of material. The cost involved in the distribution of small lots of accessories has been such that they have normally commanded a price higher than that paid for rail. While it has been inadvisable to complicate the regulation by allowing for every possible extra or providing for precise differentials which a warehouse reseller might ordinarily use in determining his selling price, the amount of the markup for accessories is sufficiently high to be fair and equitable to the industry.

The f. o. b. shipping point method of pricing has been adopted under this regulation in spite of the fact that a basing point system on the order of that used in the iron and steel scrap regulation was used during World War II by the Office of Price Administration (OPA). Criticisms of the basing point system were many. Therefore, in the light of experience of administration of price control of relaying rail by OPA, and in view of the widely scattered and unpredictable sources of material and points of consumption, resulting in complete geographical decentralization, the present f. o. b. method was considered the most effective for use today.

The regulation, being based upon pure shipping point prices, provides an allowance to be deducted from the ceiling shipping point price in all cases unless the seller places the material f. o. b. railroad cars or f. a. s. vessel. This allowance represents a fair and equitable amount for loading and hauling by the purchaser. The difficulty of such loading and heavy weight of the individual pieces of rail was taken into consideration in setting the amount of this deduction.

Findings of the Director of Price Stabilization. In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with defense agencies and industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In particular, the Director has consulted with the Industry Advisory Committee with respect to the trade practices, prices and charges used in the regulation and the coverage of this regulation and has, in general, adopted the recommendations of the committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Scope of Regulation

Sec.

1. What this regulation does.
2. Geographical application.

Pricing Provisions

3. General pricing provisions.

PART I—SALE OF MATERIAL BY RAILROADS

4. Definition of railroad.
5. Ceiling prices of material sold by a railroad.

PART II—SALE OF MATERIAL BY DEALERS

6. Sale of material by a dealer.
7. Ceiling shipping point price of material sold by a dealer.

PART III—SALE OF MATERIAL BY WAREHOUSE RESELLERS

8. Warehouse resellers as sellers of material.
9. General instructions for determining ceiling shipping point prices for resellers.
10. How to determine the ceiling shipping point price for the sale of material by resellers.
11. How to determine the components of the reseller's ceiling shipping point price.

General Provisions

12. [Reserved].
13. Ceiling shipping point prices for sellers and rail not covered by any other section.
14. Ceiling prices for export material.
15. Removal of material by purchaser.
16. Ceiling delivered prices and additional charges.
17. Weights to govern.

Miscellaneous Provisions

18. Transfers of business or stock in trade.
19. Less-than-ceiling prices.
20. Prohibitions against dealing in material at prices above ceiling.
21. Records and reports.
22. Evasion.
23. Enforcement.
24. Petitions for amendment.
25. Definitions.

Authority: Sections 1 to 25 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

Scope of Regulation

Section 1. *What this regulation does.* (a) (1) This regulation establishes ceiling prices for all sales and deliveries, including export sales and sales for export, by any person of relaying rails and used track accessories.

(2) The term "relaying rail" is defined in section 25 (n), and "used track accessories" are listed in section 25 (r). Hereafter in this regulation, when mentioned separately, relaying rail will be referred to as "rail" and used track accessories will be referred to as "accessories." When either the expression "rail and accessories" or "rail or accessories" are meant, the term "material" will be used hereafter in this regulation.

(b) (1) This regulation removes the transactions described in paragraph (a) above from the coverage of the General Ceiling Price Regulation (GCPR).

(2) To facilitate use of this regulation, the pricing sections are divided into three parts: I—Ceiling prices for railroads; II—Ceiling prices for dealers, and III—Ceiling prices for warehouse resellers.

(3) The term "railroad" in this regulation is explained in section 4. The term "dealer" is defined in section 6, and the term "warehouse reseller" is defined in section 8.

(c) This regulation does not cover sales of material by importers, ceiling prices for which are established by Ceiling Price Regulation (CPR) 31.

Sec. 2. *Geographical application.* This regulation shall apply to sales and deliveries of material in the forty-eight states of the United States, its territories and possessions and the District of Columbia.

Pricing Provisions

Sec. 3. *General pricing provisions.* (a) (1) The three pricing Parts which follow provide for the establishment of ceiling prices for the sale of material (exclusive of light rail) by three classes of sellers: Railroads, dealers and warehouse resellers. The term "material," as used in the three pricing parts which follow, does not include light rail unless specifically indicated.

(2) Railroads and dealers have a flat dollars-and-cents ceiling price for material. Warehouse resellers determine their ceiling prices each month by use of a formula. The formula allows one markup for rail and a different markup for accessories. A seller may be a dealer as to one lot of material and a warehouse reseller as to another lot.

(b) Ceiling prices for light rail must be established upon application by the seller to the Office of Price Stabilization in accordance with the provisions of section 13 of the regulation. The term "light rail" refers to any relaying rail which weighed 60 pounds or less per yard when new.

PART I—SALE OF MATERIAL BY RAILROADS

Sec. 4. *Definition of "railroad".* The term "railroad", as used in this regulation, refers to any railroad, terminal association or switching company which operates a railway line and derives at least a portion of its revenue from the carrying of freight. The term also includes suburban and interurban electric railroads, street railways, and refrigerator car, stock car, sleeping car and tank car companies engaged primarily in the transportation business.

Sec. 5. *Ceiling prices of material sold by a railroad.*—(a) *Ceiling shipping point price.* The ceiling shipping point price of material when sold by a railroad shall be $64.00 per net ton, f. o. b. shipping point.

(b) *Ceiling delivered prices.* (1) The ceiling delivered price for material when sold by a railroad and delivered to a point on the line of the railroad is the price established under paragraph (a) of this section, plus one cent per ton per mile from the shipping point to the point of delivery.

(2) The ceiling delivered price of material when sold by a railroad and delivered to a point off the line of the railroad is the price established under paragraph (a) of this section, plus one cent per ton per mile on the line of the railroad and the actual cost of the transportation off the line of the railroad to the point of delivery by the means of transportation employed.

(c) If a seller covered by this section delivers material to a point off its line, such rail must be transported to such delivery point via the junction or transfer point, depending upon the means of transportation employed off the line of the railroad, nearest the point of delivery in terms of transportation charges for the means of transportation employed.

PART II—SALE OF MATERIAL BY DEALERS

Sec. 6. *Sale of material by a dealer.* A sale of any material covered by this regulation (including light rail) is made by a dealer when it is made by any person, except a warehouse reseller as defined in section 8 below, whose business includes the acquisition of material for the purpose of resale in substantially the same form. Material shall be considered as being sold in "substantially the same form" where the preparation, if any, of such material for resale includes only the following operations: Straightening, cropping and drilling.

Sec. 7. *Ceiling shipping point price of material sold by a dealer.* The ceiling shipping point price of material when sold by a dealer is $69.00 per net ton f. o. b. shipping point.

PART III—SALE OF MATERIAL BY WAREHOUSE RESELLERS

Sec. 8. *Warehouse resellers as sellers of material.* You are a warehouse reseller (hereafter referred to in this regulation as a "reseller") for purposes of making a sale of material under this regulation only if you perform these operations commonly known as "warehousing" of material, which means the actual receipt and unloading of the material for resale in substantially the same form as received in premises regularly maintained by the reseller, but not a public warehouse) and equipped with facilities for performing such warehousing services as receiving, stocking, sorting, shipping, straightening, cropping and drilling and other like operations which are neces-

sary or incidental to the resale and distribution of material brought into the premises. A storage point or yard, not customarily operated as a "warehouse" is not a warehouse for purposes of this regulation.

SEC. 9. *General instructions for determining ceiling shipping point prices for resellers.* (a) In general, the ceiling shipping point prices for the sale of material by resellers is computed by finding the total of the reseller's weighted average material costs during a calendar month, the reseller's weighted average incoming transportation costs or customary incoming transportation cost factor for the calendar month, and a specified dollars-and-cents amount. Specific instructions are set forth in section 11 below which tell how to determine each of the components necessary in computing the ceiling price for material.

(b) You must determine your ceiling prices for material in accordance with applicable provisions of this Part III and apply them to your shipments in the following manner:

(1) You are required by this Part III to recompute your ceiling prices monthly. You must, at the close of each current calendar month, calculate your ceiling prices to be used beginning on the 16th of the following month by using the invoices received by you during the current calendar month. These ceiling prices apply to all of your shipments of material made between 12:01 a. m. of the 16th of the following month and midnight of the 15th of the next succeeding month. In the case of the month in which this regulation becomes effective, your calculated ceiling price will be effective from the effective date of the regulation to the 15th of the next month, based upon the invoices for the preceding month.

(2) For example, assume that this regulation becomes effective on or before February 16, 1953. Before that date you must determine your ceiling prices by using the invoices received by you between January 1 and January 31, 1953, inclusive. These ceiling prices apply to all shipments made by you after 12:01 a. m. on the effective date of the regulation, and before midnight of March 15, 1953. After February 28, 1953, and prior to March 16, 1953, you must recalculate your ceiling prices by using the invoices received by you between February 1, and February 28, 1953, inclusive, and these ceiling prices apply to all shipments made by you after 12:01 a. m. March 16, 1953 and before midnight April 15, 1953. Similar recalculations must be made after the close of each succeeding calendar month.

(3) Where the regulation requires you to go back, for the purpose of calculating your material cost factor, to the last calendar month for which your written records show invoices having been received by you, you may not go back prior to January 1, 1952. If you receive invoices during the current month, but prior to the current month you have received no invoices since January 1, 1952, you must use the ceiling price determined in accordance with the provisions of section 11 (d) until the 15th of the following month after which you are required to use ceiling prices computed on the basis of the invoices received during the current month, as provided in paragraph (a) or (b) of section 10, whichever is applicable. You may not include in any cost computations under this regulation the amount by which the prices you paid for any material exceed the ceiling prices for such material established under the applicable section of this regulation.

(c) *Separate warehouses.* If you operate more than one warehouse, you must treat each warehouse as a separate reseller and must determine ceiling prices for each such warehouse on the basis of the costs of material delivered to it. Wherever the terms "you" and "reseller" are used in the provisions of this Part III, the terms are used to designate the warehouse from which shipment is made.

SEC. 10. *How to determine the ceiling shipping point price for the sale of material by resellers*—(a) *When purchased from railroads.* The ceiling shipping point price for the sale by resellers of material purchased from railroads is determined in the following manner:

(1) You find your monthly material cost factor in accordance with the provisions of section 11 (a) or (d), whichever is applicable.

(2) You determine your dollars-and-cents markup in accordance with the provisions of section 11 (b). (The amount for rail will differ from that for accessories.)

(3) You determine your incoming transportation factor. This may be either your "customary incoming transportation factor," as defined in section 25 (c) (*Definitions*), or your monthly incoming transportation cost factor determined in accordance with section 11 (c). If you are a new seller you determine this factor under section 11 (d). Whichever transportation factor you first use in computing your ceiling prices under this paragraph must be used thereafter each time you recompute your ceiling prices, except as provided in section 11 (d).

(4) Add the figures arrived at in subparagraphs (1), (2) and (3) of this subparagraph, and the resultant sum is your ceiling shipping point price for material per net ton, f. o. b. shipping point. Your price for rail will differ from that for accessories.

(b) *When purchased from other resellers or dealers as well as from railroads.* (1) Where you have received shipments of material from sources other than a railroad, in addition to shipments received from railroad sources, you must calculate your ceiling shipping point price for all material in accordance with paragraph (a) of this section. You will notice that in determining your ceiling shipping point prices under this paragraph you will use only your invoices received from railroads.

(c) *When purchased from other resellers or dealers and not from railroads.* (1) Where you are unable to determine the ceiling shipping point price of material in accordance with the provisions outlined in paragraph (a) of this section because of the fact that all invoices for material received by you during preceding calendar months back to January 1, 1952, were from resellers or dealers rather than railroad sources, then you must use as your ceiling base price from which you determine your ceiling shipping point price under subparagraph (2) of this paragraph, the current ceiling shipping point price of the reseller who was your principal source of supply for the last preceding calendar month during which you received shipments. If you made purchases only from dealers since January 1, 1952, then you must use, as your ceiling base price, the dealers' shipping point price, as established under section 7 of this regulation. This ceiling shipping point price adopted from the other reseller or dealer, whichever is applicable, becomes your ceiling base price for all shipments made from the 16th of the month to the 15th of the following month. The "principal source of supply" is defined in section 25 (l) (*Definitions*). Your ceiling shipping point price is determined under subparagraph (2) of this paragraph.

(2) Your ceiling shipping point price under this subparagraph is the sum of the applicable ceiling base price, determined under subparagraph (1) of this paragraph, plus the amount which represents your monthly incoming transportation cost factor determined under section 11 (c) (2) or 11 (d), whichever is applicable.

(3) For so long as you are unable to determine your ceiling shipping point price under paragraphs (a) or (b) of this section, you must recalculate your ceiling base price and change your ceiling shipping point price accordingly each month under the provisions of this paragraph.

(d) *Recalculation of ceiling prices.* (1) Except as provided in subparagraph (2) of this paragraph, the ceiling shipping point price for resellers must be recalculated each month in accordance with the applicable paragraph above and must be used in determining your ceiling shipping point price for all your shipments from the 16th of the month next succeeding the one for which the above calculations were made until the 15th of the following month.

(2) If, during any calendar month after the effective date of this regulation, you receive no invoices, your ceiling prices for the period beginning on the 16th of the following month must be the same as the ceiling prices which you last established under this regulation.

SEC. 11. *How to determine the components of the reseller's ceiling shipping point price*—(a) *How to determine your monthly material cost factor.* You find your monthly material cost factor by computing the weighted average of the railroad base prices (see definition in section 25 (a)) you paid for material per net ton, as shown on all the invoices (if your invoices show gross ton costs, you must adjust to reflect net ton costs) received by you during the preceding calendar month (see definition in section 25 (k)); or the last calendar month subsequent to January 1, 1952, for which

you retain records showing invoices having been received from railroads for material, disregarding the invoice date and the actual shipping and receiving dates.

Example: Suppose you received the following invoices for 500 net tons of material during the preceding calendar month:

100 N. T.	@	$67.75
120 N. T.	@	67.50
280 N. T.	@	70.00
Total---- 500 N. T.		

Analyzing these net prices (see definition in section 25 (h)) you establish the fact that you paid three different base prices to the railroads:

100 N. T.	@	$61.50-------	$6,150
120 N. T.	@	63.75-------	7,650
280 N. T.	@	60.75-------	17,010
Total---- 500 N. T.			30,810

Dividing $30,810 by 500 tons results in your material cost factor for the month of $61.52 per net ton.

(b) *Your dollars and cents markup.* Your dollars and cents markup is $16.00 for rail and $32.00 for accessories.

(c) *How to determine your monthly incoming transportation cost factor.* (1) (i) You find your monthly incoming transportation cost factor by computing the weighted average transportation cost to you for all shipments applicable to the same invoices used in determining your monthly material cost factor under paragraph (a) of this section.

Example: Suppose you paid three different freight rates (including transportation tax) for your invoices of material:

Weight and rate per net ton of material:			*Charge*
100 N. T.	@	$5.00----------	$500
120 N. T.	@	2.50----------	300
280 N. T.	@	8.00----------	2,240
Total-- 500			3,040

Dividing $3,040 by 500 tons gives you an incoming transportation cost factor for the month of $6.08 per net ton of material.

(ii) If the bills for transportation charges for any invoice are not available, as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoice by using the published carrier rate (including taxes) for transporting the material involved from the shipping point shown on the invoice to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material was transported to your warehouse (e. g., railroad, truck or barge) in effect at the time you are computing your ceiling price.

(2) If you are computing ceiling shipping point prices in accordance with section 10 (c), (2), you find your monthly incoming transportation cost factor by computing the weighted average cost to you of transporting the applicable material from the various reseller or dealer sources of supply, whichever is applicable, to your warehouse. In computing this figure you must use all bills for transportation received by you during the last preceding calendar month in which you received invoices which are applicable to the shipments from these sources, disregarding the invoice date, or the actual shipping and receiving dates of the material involved. If the bills for transportation charges for any invoice are not available, as of the time you compute your costs, you must calculate the applicable transportation charge for the material covered by the invoices by using the published carrier rate (including taxes) for transporting the material from the shipping point shown on the invoices to your warehouse. In making this calculation you must use the rate for the kind of transportation by which the material was transported to your warehouse (e. g., railroad, truck, or barge) in effect at the time you are computing your ceiling price.

(d) *New sellers.* If you have received invoices during the current calendar month and prior to this time your written records show no invoices having been received from any source since January 1, 1952, you determine your ceiling prices as follows:

(1) Where you have received invoices from railroad sources, you must use the railroad base price of the material reflected in the last invoice you received prior to each sale, and the incoming transportation charges applicable to this invoice, as your material cost factor and your incoming transportation factor, respectively, and compute your ceiling shipping point price under section 10 (a) for shipments of the material covered by each invoice during the period extending through the 15th of the following month.

(2) Where you have received invoices only from sources other than railroads, your ceiling shipping point price for the sale of material is the sum of your current ceiling base price, determined under subdivision (i) of this subparagraph and your current transportation factor determined under subdivision (ii) of this subparagraph.

(i) Your current ceiling base price for material is the current ceiling shipping point price of the reseller who shipped to you the greatest tonnage of material as shown by all invoices received by you prior to the sale of the material.

(ii) Your current transportation factor is the weighted average of the freight charges applicable to all invoices referred to in subdivision (i) of this subparagraph. If the bills for transportation charges for any invoice referred to in subdivision (i) of this subparagraph are not available, you must determine your current transportation factor under paragraph (c) (1) (ii) of this section.

(3) You must use the ceiling prices computed in the manner prescribed under the applicable subparagraph above for all shipments made during the current month and until the 15th of the following month. In cases where you receive invoices prior to the 16th of the current month, it will mean using the ceiling prices determined under this paragraph for slightly more than one month. For shipments made on and after the 16th of the following month, you must determine your ceiling shipping point price under the applicable provisions of section 10 and compute the components of that price in accordance with paragraphs (a), (b) and (c) of this section.

General Provisions

Sec. 13. *Ceiling shipping point prices for sellers and rail not covered by any other section.* (a) If you are unable to determine your ceiling shipping point prices for material under any other section of this regulation, you must apply to the Office of Price Stabilization for a ceiling shipping point price. The applicant may not sell any material for which he makes application for a ceiling price under this section until the Director of Price Stabilization notifies him, in writing, of his ceiling shipping point price. This application shall be signed by the applicant or his duly authorized representative and shall contain an explanation of why the applicant is unable to determine his ceiling shipping point price under any other section of this regulation (e. g., why applicant is not a seller covered by sections 4, 6 or 8 or that applicant wishes to sell light rail). In addition, the application shall contain the following information: Trade name and address of the applicant; whether applicant is a railroad, dealer or reseller; identification of the accessories to be sold; specifications of the rail to be sold (including weight of rail per yard when new, profile number and length); approximate tonnage of material (broken down, if possible, into tonnage of rails and tonnage of accessories); proposed means of transporting the material, if known, and the charge per net ton for such transportation; the base price (see definition in section 25 (a)) of the material; point of origin of the material and from whom obtained; proposed point of delivery and purchaser; proposed ceiling shipping point price per net ton of the material; preparation necessary for resale, when prepared and by whom, and the reasons the applicant believes the proposed price of the material is in line with the ceiling shipping point prices otherwise established by this regulation.

(b) This application must be filed with the Iron and Steel Scrap Section, Office of Price Stabilization, Washington 25, D. C. by registered mail, return receipt requested.

Sec. 14. *Ceiling prices for export material.* The ceiling price for any export sale of material or for material sold for export shall be the ceiling shipping point price as established under the applicable section of this regulation, plus the actual charge for transporting the material from the shipping point to the place of export by means of transportation employed: *Provided, however,* That for material exported by vessel, this ceiling export price shall be f. a. s. vessel at the place of export, and the actual cost incidental to shipment and export from that point may be added if shown as a separate charge on the invoice.

Sec. 15. *Removal of material by purchaser.* A deduction of not less than $4.00 per net ton must be deducted from the ceiling price for sale of any material determined in accordance with the applicable provisions of this regulation unless the seller places the material f. o. b. railroad cars or f. a. s. vessel for ship-

ment to the destination designated by the purchaser.

SEC. 16. *Ceiling delivered prices and additional charges*—(a) *Ceiling delivered prices.* Except as provided in section 5 (b), the ceiling delivered price of material is the ceiling shipping point price established under the applicable section of this regulation, plus the actual charge for transporting the material from the shipping point to the point of delivery by means of transportation employed.

(b) *Additional charges which may be included in ceiling delivered prices.* (1) If delivery of material to the purchaser involves vessel movement, the actual charges incurred at a public dock may be added to the applicable ceiling delivered price established under this regulation: *Provided, however*, The maximum charge shall be 95 cents per net ton at Memphis, Tennessee, $1.50 per net ton at any Great Lakes port, or $1.75 per net ton at any New England port. Where the dock facilities are owned or controlled by the shipper of the material, a maximum charge of $1.25 per net ton may be added to the actual transportation charges.

(2) In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the applicable ceiling delivered price determined under this regulation. In lieu thereof, a maximum charge of $1.25 per net ton may be included in such delivered price.

(3) Where material is allocated by the National Production Authority for railroad shipment, and prior to the date of NPA allocation order such material has been stored at a dock for water movement, the dock charges set forth in subparagraphs (1) and (2) of this paragraph may be charged and paid as part of the applicable ceiling delivered price determined under this regulation.

(4) Any tax imposed upon the charges for transporting material from the shipping point to the point of delivery may be included in the applicable ceiling delivered price determined under this regulation.

SEC. 17. *Weights to govern.* (a) (1) Except as otherwise provided in this section, settlement for all material shall be made on the basis of railroad weights at the point of delivery and such weights shall be determined at the expense of the purchaser.

(2) No adjustment need be made for shortages of 500 pounds or less per car between shipping point weights and weights at the point of delivery. If the shortage exceeds 500 pounds per car, adjustment must be made for the full shortage.

(b) *Vessel shipment.* When shipment is wholly or partially by vessel, weights at the dock prior to vessel movement shall govern and such weights shall be determined at the expense of the seller. If the material moves from the shipping point to the dock by railroad and weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the dock. If the difference exceeds 500 pounds per car, adjustment must be made for the full shortage.

(c) *Sales by government agencies.* Government agencies may, at their option, use either the weights at point of delivery as otherwise provided in this section, or the weights at point of shipment. Where weights at point of shipment are used, such weights shall be determined at the expense of the seller and in the following manner:

(1) *Removal by rail.* In the case of material removed by railroad, the actual tare weight of the railroad car shall be used instead of the marked tare in determining the net weight. The actual tare weight shall be determined by weighing the empty car, cleaned of all foreign matter, before loading.

(2) *Removal by vessel.* In the case of removal by vessel, weights at the dock prior to vessel movement shall govern.

(3) *Removal by truck.* In the case of removal by truck, weighing shall be at the option of the seller on (i) government scales, or (ii) certified scales in the vicinity of the location of the material.

MISCELLANEOUS PROVISIONS

SEC. 18. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a reseller covered by this regulation are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the material covered by this regulation, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 19. *Less-than-ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, solicited, paid or offered.

SEC. 20. *Prohibitions against dealing in materials at prices above ceiling.* On and after the effective date of this regulation, regardless of any contract or other obligation:

(a) No person shall sell, deliver, buy or receive material, or agree, offer, solicit or attempt to do any of the foregoing at prices above those established in this regulation.

(b) No person shall sell or deliver material upon condition that the buyer shall sell or deliver to, or buy or receive from, any person any other commodity. No person shall buy or receive material upon the condition that he shall sell or deliver to, or buy or receive from, any person any other commodity.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 21. *Records and reports.* (a) Every person making a sale of material shall keep for inspection by the Office of Price Stabilization for two years after date of sale, complete and accurate records of each sale or purchase: The date thereof, the name and address of the buyer and seller, the shipping point price, a description of the rail (i. e., profile, weight when new), the kinds of accessory items and the tonnage, the method of transportation used from shipping point to point of delivery, and the delivered price, if sold on a delivered basis.

(b) Every warehouse reseller shall prepare and preserve for inspection by the Office of Price Stabilization for two years after date of sale all records necessary for calculation of his ceiling prices, including (but not limited to) records showing the base price of material, freight bills, and invoices.

(c) Buyers and sellers of material affected by this regulation shall submit such further reports to the Office of Price Stabilization as may from time to time be required, subject to the approval of the Bureau of the Budget under the Federal Reports Act.

SEC. 22. *Evasion.* The provisions of this regulation shall not be evaded by direct or indirect means.

SEC. 23. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

SEC. 24. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 25. *Definitions.* This ceiling price regulation and the terms which appear in it shall be construed in the following manner:

(a) *Base price of material.* The base price of material means the fundamental base price per net ton charged by the railroad for material (not including light rail) before the addition of any extras such as transportation charges, dock charges, weighing charges or taxes, or $64.00, whichever is less.

(b) *Consumer.* This term refers to a purchaser of material covered by this regulation who uses the material for any of the purposes for which relaying rail is

customarily used, such as track, mine props and ship launching rail.

(c) *Customary incoming transportation factor.* This term means the customary incoming transportation factor which the reseller included in his warehouse resale price as of January 25, 1951, to represent the cost of delivery from the railroad to his warehouse. Where the factor was based upon a railroad freight rate, it may be adjusted by an amount not exceeding the amount by which the current minimum carload rate of freight, including transportation tax, exceeds the minimum carload rate of freight used to determine the reseller's transportation factor on January 25, 1951. Where the factor was based upon a trucking rate, it may be adjusted by an amount not exceeding the amount by which the current minimum common carrier truckload rate, including transportation tax, exceeds the minimum common carrier truckload rate used to determine the reseller's transportation factor as of January 25, 1951.

(d) *Dealer.* This term is defined in section 6.

(e) *Export sale.* This term means the sale of material to a person located outside the continental United States or a territory or possession of the United States, and which material is shipped to the purchaser outside the continental United States or a territory or possession of the United States regardless of where the invoicing is done.

(f) *Sale for export.* This term means a sale to a buyer, located in the continental United States or a territory or possession of the United States, of material destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(g) *Imported material.* This term refers to all material having a point of origin outside the continental United States or its territories or possessions.

(h) *Net price.* This term refers to the total prices charged for material (not including light rail) by a railroad including the railroad base price (see definition in paragraph (a) above) and all extras such as transportation and taxes.

(i) *Person.* This term includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States, or any other government, or their political subdivisions or agencies.

(j) *Point of delivery.* This term means that point at which the material has arrived for unloading at the purchaser's receiving point.

(k) *Preceding calendar month.* This term means the calendar month immediately preceding the month in which the ceiling price the reseller is computing goes into effect.

(l) *Principal source of supply.* This term means the source from which the reseller received the greatest tonnage of material during the specified period.

(m) *Railroad.* This term is defined in section 4.

(n) *Relaying rail.* This term means used steel rail (other than relaying girder rail, scrap rail or rerolling rail) of any weight per yard which is suitable for reuse in track. (Note the "relaying rail" does not include rail which is used for rerolling purposes. The ceiling price for such rail must be determined under CPR 5, as amended.)

(o) *Sale for export.* This term is explained in paragraph (f) above.

(p) *Sell.* This term includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(q) *Shipping point.* Material covered by this regulation is at its shipping point, in the case of all-rail, rail-vessel, rail-truck, or truck-rail movement, when it has been placed f. o. b. railroad cars ready for shipment to the destination designated by the purchaser; in case of all-vessel, vessel-rail, vessel-truck, or truck-vessel movement, the material is at its shipping point when it has been placed f. a. s. vessel for shipment to the destination designated by the purchaser; and in the case of all-truck movement, the material is at its shipping point when it has been placed f. o. b. truck ready for shipment to the destination designated by the purchaser.

(r) *Used track accessories.* This term refers to railroad or mine track spikes, track bolts and nuts, tie plates and joint bars (which shall include rail joints, angle bars, splice bars and fish plates) of any size and weight capable of being used for relaying purposes or for any purpose for which new accessories are customarily used and which have been submitted to all reconditioning processes, if any, necessary to render them fit for re-use.

(s) *Warehouse reseller.* This term is defined in section 8.

(t) *You.* "You," except as limited for purposes of Pricing, Part III in section 9 (c), means the person subject to this regulation. "Your" and "yours" shall be construed accordingly.

Effective date. This regulation is effective February 16, 1953.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1158; Filed, Jan. 30, 1953; 12:59 p. m.]

[General Overriding Regulation 7, Amdt. 17 to Revision 1]

GOR 7—EXEMPTION AND SUSPENSION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

EXEMPTION OF SALES OF BREWERS' WET GRAINS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, exempts from price control sales of brewers' wet grains.

Brewers' wet grains are the wet residue resulting from the manufacture of wort for beer. The wet grains are used either in the wet form for animal feeding or are processed into brewers' dried grains, or other dried feed products. The wet grains are highly perishable and are generally sold by processors to feeders or driers located within areas near the plant where they are produced. Because of their perishability the bulk of the wet grains are manufactured into brewers' dried feed products. Some of the smaller breweries sell all of their wet grains either to feeders or to other persons who do the drying.

Simultaneously with this amendment, the Director of Price Stabilization is issuing Ceiling Price Regulation 185, establishing dollar-and-cents ceiling prices for brewers' dried products. That regulation establishes new ceilings for those products which in general permit some increase over existing GCPR ceiling prices. It would be inequitable to allow a price increase for brewers' dried grains and not allow an adjustment in prices of wet grains, particularly since many small brewers sell all of their brewers' grains in the wet form. Owing, however, to the diverse methods of pricing wet grains, it is not feasible to establish a formula which will result generally in preservation of the customary price relationships between dried and wet grains. The wet grains are sold locally on a variety of bases including quantity of wet grains, quantity of beer production of which the wet grains are a by-product, quantity of barley furnished by the farmer, and others. Wet grains, moreover, represent an insignificant part of the total feed supply.

For these reasons, price control of brewers' wet grains involves administrative difficulties which are disproportionate in relationship to the effectiveness of their control or to their contribution to the price stabilization program.

There has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISION

General Overriding Regulation 7, Revision 1, is amended by adding a new subparagraph, subparagraph (8), to section 2 (f) to read as follows:

(8) Brewers' wet grains. (This means the wet extracted residue of barley malt alone or in mixture with other cereal grain or grain products resulting from the manufacture of wort for beer.)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1159; Filed, Jan. 30, 1953; 12:59 p. m.]

[General Overriding Regulation 35, Amdt. 9]

GOR 35—PASS THROUGH FOR STEEL, PIG-IRON, COPPER AND ALUMINUM COST INCREASES

ADDITION OF ELECTRICALLY OPERATED UNDERGROUND COAL MINING MACHINERY TO APPENDIX C

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds electrically operated underground coal mining machinery to Appendix C of GOR 35. The purpose and effect of listing certain commodities in this appendix are explained in detail in the statement of considerations which accompanied Amendment 1 to GOR 35. The same considerations apply to the issuance of this amendment. This amendment is occasioned by the issuance of Amendment 3 to General Overriding Regulation 42 (GOR 42), which provides for a 7 percent increase in ceiling prices for sale by manufacturers of electrically operated underground mining machinery, an adjustment which includes the materials cost increases. Since these are end products, no problem of any "pass through" beyond these manufacturers is involved.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultations with representatives of the electrically operated coal mining machinery industry were held prior to the issuance of Amendment 3 to GOR 42.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respect:

1. Appendix C is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity" and "Regulation":

Commodity:	*Regulation*
Electrically operated underground coal mining machinery	GOR 42, Sec. 23.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 35 is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1160; Filed, Jan. 30, 1953; 12:59 p. m.]

[General Overriding Regulation 35, Amdt. 10]

GOR 35—PASS THROUGH FOR STEEL, PIG-IRON, COPPER AND ALUMINUM COST INCREASES

ADDITION OF CAST-IRON BOILERS AND CAST-IRON RADIATION TO APPENDIX C

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds cast-iron boilers and cast-iron radiation to Appendix C of GOR 35. The purpose and effect of listing certain commodities in this appendix are explained in detail in the statement of considerations which accompanied Amendment 1 to GOR 35. The same considerations apply to the issuance of this amendment. This amendment is occasioned by the issuance of Amendment 4 to General Overriding Regulation 42 (GOR 42), which provides for a 5 percent increase in ceiling prices for sale by manufacturers of cast-iron boilers and cast-iron radiation, an adjustment which includes the metals cost increases. Since these are end products, no problem of "pass through" beyond these manufacturers is involved.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultations with representatives of the cast-iron boiler and cast-iron radiation industry were held prior to the issuance of Amendment 4 to GOR 42.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respect:

1. Appendix C is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity" and "Regulation":

Commodity:	*Regulation*
Cast-iron boilers and cast-iron radiation	GOR 42, Sec. 24

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 35 is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1161; Filed, Jan. 30, 1953; 1:00 p. m.]

[General Overriding Regulation 42, Amdt. 2]

GOR 42—ADJUSTMENT UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY AND RELATED MANUFACTURED GOODS AND BUILDING MATERIALS

RELATIONSHIP TO CERTAIN ADJUSTMENT REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds a new section to Article I of General Overriding Regulation 42, "General Regulatory Provisions," which new section deals with the relationship of adjustments permitted by the regulation to certain individual adjustment regulations.

It has been determined that certain individual adjustments granted under other regulations should be treated in a uniform manner with respect to the adjustments authorized by this regulation. Such adjustments include so-called "Capehart adjustments" (under SR 4, SR 5, or SR 8 to CPR 30; SR 17 or SR 18 to CPR 22; GOR 20 and GOR 21), hardship and essential commodity adjustments (under GOR 10 and GOR 29, respectively) and outbound transportation cost adjustments (under SR 9 to CPR 30; SR 35 to CPR 22; SR 122 to GCPR, etc.).

The reason for this determination is that the ceiling price increases provided for in General Overriding Regulation 42 are found to be necessary to meet the Industry Earnings Standard on the basis of ceiling prices in effect during the periods of time in which the various surveys are made. Therefore, to the extent that a particular industry's ceiling prices include adjustments obtained under any of the "Capehart regulations," or under GOR 10 or GOR 29, the percentage adjustments permitted by GOR 42 may be added to these ceiling prices. There is one exception to the concept of "ceiling prices in effect" which will apply to most industries now or subsequently covered by GOR 42. This exception concerns adjustments under the outbound transportation cost adjustment regulations. These adjustments generally may not be included in the ceiling prices adjusted under GOR 42 because the data supplied by members of each industry generally include increases in outbound transportation costs.

The relationship of adjustments under GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) will be treated separately for each industry under the applicable section of Article II because the manner in which these adjustments are treated in each survey cannot be uniform.

Briefly, this new section provides that "Capehart adjustments" and adjustments under GOR 10 or GOR 29 may be included in the price adjusted under this regulation (the adjustment period price), but generally outbound transportation cost adjustments may not be included in this price. If there is any change in the relationship of outbound transportation cost adjustments to the adjustment authorized by this regulation for a particular industry, the applicable section of Article II will so specify.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respects:

1. Article I is amended by adding a new section 5 to read as follows:

SEC. 5. *Relationship of the adjustments authorized by this regulation to certain adjustment regulations.* This section explains the relationship between the adjustments permitted by this regulation to certain individual adjustment regulations. In addition to this section special provisions dealing with other individual adjustment regulations, such as GOR 35, are contained in the sections of Article II.

(a) *Capehart regulations.* If your adjustment period price for any commodity covered by this regulation includes an adjustment determined under any of the applicable "Capehart regulations" (SR 4, SR 5, or SR 8 to CPR 30; SR 17 or SR 18 to CPR 22; GOR 20 or GOR 21), you may further adjust such a price by the percentage adjustment provided by the applicable section of Article II of this regulation, unless that section provides otherwise. However, if your adjustment period price does not contain a "Capehart adjustment," you may elect to determine a "Capehart" adjustment instead of using the adjustment permitted by this regulation.

(b) *GOR 10 and GOR 29.* If your adjustment period price for any commodity covered by this regulation includes an adjustment which you have obtained pursuant to GOR 10 (Adjustments of Ceiling Prices for Manufacturers) or GOR 29 (Adjustment of Ceiling Prices of Certain Essential Commodities and Services), you may further adjust such a price by the percentage adjustment permitted by this regulation. Further, if you qualify under either GOR 10 or GOR 29 after the applicable adjustment period provided by Article II of this regulation, you may then apply for an additional adjustment under either of those regulations.

(c) *Outbound transportation costs.* Unless the applicable section of Article II of this regulation provides otherwise, your adjustment period price for any commodity covered by this regulation may not include any adjustment you have determined under SR 9 to CPR 30, SR 35 to CPR 22, SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Costs), or other similar regulations. If such an adjustment is included in the price for any commodity, you must reduce that price by the dollar amount of the outbound transportation cost adjustment before you may use it as an adjustment period price.

However, if increases in these costs occur after the applicable adjustment period, as provided in Article II, for any commodity covered by this regulation, you may determine an adjustment for these increases under the applicable regulation (SR 9 to CPR 30; SR 35 to CPR 22; SR 122 to GCPR, etc.).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1162; Filed, Jan. 30, 1953; 1:00 p. m.]

[General Overriding Regulation 42, Amdt. 3]

GOR 42—ADJUSTMENT UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY AND RELATED MANUFACTURED GOODS, AND BUILDING MATERIALS

ELECTRICALLY OPERATED UNDERGROUND COAL MINING MACHINERY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds electrically operated underground coal mining machinery to the coverage of General Overriding Regulation 42. An industry earnings standard survey has recently been completed for this industry, and based upon data obtained from representative groups of manufacturers, it has been determined that, in order to bring the dollar profits of this industry up to the earnings standard approved by OPS, ceiling prices should be established at 107 percent of the industry's ceiling prices for these commodities which were in effect during the period November 1, 1952, to the issue date of this amendment. Such increased ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in materials, wages, and transportation which are currently in effect. Furthermore, it reflects increases in certain materials which are likely to occur in the future as a result of General Overriding Regulation 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases). Therefore, manufacturers of electrically operated underground coal mining machinery who use this adjustment may not adjust their ceiling prices under GOR 35. If they have already used GOR 35, they must deduct the amount of such an adjustment before taking the adjustment allowed by the amendment. However, the adjustment permitted by this amendment only reflects increases in outbound transportation costs, if any, occurring before the issue date. If increases in these costs occur in the future, an adjustment may be made for such increases pursuant to Supplementary Regulation 9 to Ceiling Price Regulation 30 or Supplementary Regulation 122 to the General Ceiling Price Regulation (Adjustments to Reflect Increased Outbound Transportation Costs), whichever is applicable. If these manufacturers have taken any adjustments under SR 9 to CPR 30 or SR 122 to the GCPR before the issue date of this amendment, they must deduct the amount of such adjustment before taking the adjustment permitted by this amendment.

The survey upon which this adjustment is based was effected by the use of a procedure designated "streamlined" by OPS, and since this procedure does not permit consideration of various factors which may be considered under a "full-scale" industry earnings standard survey, which necessarily requires more detailed data, and, therefore, a greater length of time to conduct, the members of this industry may at any time request OPS to conduct a full-scale survey.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respects.

Article II is amended by adding section 23 to read as follows:

SEC. 23. *Electrically operated underground coal mining machinery*—(a) *Commodities included.* Electrically operated underground coal mining machinery, transportation machinery, ventilating machinery including accessories and repair parts for these commodities. The commodities included in this classification must be designed specifically for use in coal mines, must be electrically operated and used exclusively underground for mining, for transportation in mines, or for ventilating mines. The following are illustrations of these commodities: Mining machines—Kerf cutting machines, loading machines, continuous miners, auger type rotary drilling machines, timber setting machines, post pullers; underground mine transportation machines—mining locomotives, shuttle cars, belt conveyors, chain conveyors, shaker conveyors; underground mine ventilating equipment—ventilating fans specially designed and sold for use in mines, and stationary and portable ventilating blowers specially designed and sold for use in mines.

(b) *Adjustment period price.* The adjustment period price for any commodity included in paragraph (a) of this section is the highest ceiling price to each class of purchaser which was in effect during the period November 1, 1952 to January 30, 1953. A ceiling price is considered "in effect" if that ceiling price was properly determined in accordance with applicable OPS regulations prior to January 30, 1953.

(c) *Percentage adjustment.* The percentage adjustment for commodities included in this section is 107 percent.

(d) *Relationship of the adjustment authorized by this section 23 to other adjustment regulations*—(1) *GOR 35.* If you use the adjustment permitted by this section you may not include in your

adjustment period price any adjustment made under GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases). If your adjustment period price includes such an adjustment you must reduce it by the dollar amount of such an adjustment before using it as an adjustment period price under this section 23.

(2) *Capehart regulations.* See section 5, Article I of this regulation.

(3) *Outbound transportation costs.* See section 5, Article I of this regulation.

(4) *GOR 10 and GOR 29.* See section 5, Article I of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This regulation is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1163; Filed, Jan. 30, 1953; 1:00 p. m.]

[General Overriding Regulation 42, Amdt. 4]

GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY, RELATED MANUFACTURED GOODS, AND BUILDING MATERIALS

ADDITION OF CAST-IRON BOILERS AND RADIATION TO COMMODITIES COVERED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to GOR 42 provides an interim adjustment of 5 percent in the ceiling prices for cast-iron boilers and cast-iron radiation.

At a meeting of the Cast-Iron Boiler and Radiation Industry Advisory Committee meeting on September 24, 1952, OPS was requested to conduct a "streamlined" earnings survey of the industry, the opinion of the members attending being that the level of earnings for the industry had fallen below that prescribed by the industry earnings standard. This standard requires that ceiling prices be adjusted for an industry if its current earnings fall below 85 percent of the average earnings of the three best years of 1946 through 1949, inclusive, adjusted for changes in net worth. The Committee recommended that the speedier "streamlined" earnings survey be used, as an interim measure of relief, rather than the more time-consuming if more detailed "full-scale" survey.

Consequently, the Office of Price Stabilization undertook such an earnings survey, as a result of which the Director of Price Stabilization has determined that in order for ceiling prices of the industry to meet the requirements of the industry earnings standard, and, therefore, to be generally fair and equitable, they would have to be increased to the extent provided by this action.

In computing this adjustment, OPS gave consideration, among other costs, to increase in the cost of the metals listed in GOR 35, and to the increased cost of outbound transportation. For that reason, cast-iron boiler and cast-iron radiation manufacturers are precluded by this amendment from using either GOR 35 or SR 35 to CPR 22.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Article II of GOR 42 is amended by adding a new section 24 to read as follows:

SEC. 24. *Cast-iron boilers and cast-iron radiation*—(a) *Commodities covered.* The commodities covered by this section are defined as follows:

(1) A "cast-iron boiler" means any closed cast-iron pressure vessel designed to burn solid, liquid or gaseous fuels for the purpose of generating steam, or hot water for use in a heating system or for domestic hot water, whether actually so used or not. Without limiting the foregoing, the term includes jackets, grate bars, boiler trimmings and other attachments or accessories commonly sold with the boiler as a unit, or sold as repair parts.

(2) "Cast-iron radiation" means a tubular or hollow device constructed of cast iron which by means of internal circulation of high temperature vapor or liquid, emits heat from its external surface by means of conduction, radiation or convection. The term includes, without limiting the generality of the foregoing, radiators (whether a unit or a combination of sections), radiator sections, and accessories and enclosures used with cast-iron convectors and cast-iron baseboard radiation.

(b) *Adjustment period price.* The adjustment period price for any commodity included in paragraph (a) of this section 24 is the highest ceiling price to each class of purchaser in effect during the period October 1, 1952, to January 30, 1953, as established prior to the end of this period under SR 19 to CPR 22, or any other applicable regulation not excepted by paragraph (d) of this section.

(c) *Percentage adjustment.* The percentage adjustment for commodities included in this section 24 is 105 percent.

(d) *Relationship of the adjustment authorized by this section to other adjustment provisions*—(1) *SR 17, SR 18 to CPR 22.* On and after the date set forth in paragraph (e) of this section, and notwithstanding any provision of this section you may elect to apply the provisions of Supplementary Regulation 17 or Supplementary Regulation 18 to CPR 22 to establish your ceiling prices. If you do so elect, you may not use the provisions of this supplementary regulation.

(2) *GOR 35.* You may not employ any of the provisions of General Overriding Regulation 35 (pass-through for steel, pig-iron, copper and aluminum cost increases).

(3) *SR 35 to CPR 22.* Adjustments permitted by SR 35 to CPR 22 or SR 122 to the GCPR (adjustments to reflect increased outbound transportation rates) for increases occurring before the effective date of this section (see paragraph (e) of this section), may not be included in the adjustment period price for any commodity covered by this section. Further, if the price of the commodity in question during the adjustment period included an adjustment for increased outbound transportation costs under SR 35 to CPR 22, this price must be reduced by the dollar amount of the transportation cost adjustment before it may be used as an adjustment period price. However, if increases in these costs occur on or after the effective date of this section, an adjustment thereafter may be determined in accordance with SR 35 to CPR 22, *Provided*, That January 30, 1953 must be used as the "base date" for the purpose of such determination.

(e) *Effective date.* The adjustment authorized by this section becomes effective February 4, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1164; Filed, Jan. 30, 1953; 1:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amended, Amdt. 3]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

EMPLOYEES OF CERTAIN NON-PROFIT ORGANIZATIONS

Paragraph (a) of section 5 of General Salary Stabilization Regulation 1, Amended, as amended, is hereby amended to read as follows:

SEC. 5. *Employees of certain non-profit organizations.* (a) Adjustments in the salaries and other compensation of employees of religious, charitable, scientific, literary, educational organizations, cemetery companies, which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code, and of credit unions authorized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and which are exempt from Federal income taxes under section 101 of the Internal Revenue Code, and of nonprofit hospitals, may be made in general conformance with the salary stabilization regulations without approval by the Office of Salary Stabilization. The Office of Salary Stabilization may review such adjustments and revoke or modify them if they are found to be in conflict with salary stabilization regulations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, January 19, 1953.

JUSTIN MILLER,
Chairman.

Approved:

MICHAEL V. DISALLE,
Economic Stabilization Administrator.

[F. R. Doc. 53-1192; Filed, Feb. 2, 1953; 9:43 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter A—Rules of Practice

PART 501—PRACTICE BEFORE THE COMMISSION

RESTRICTIONS ON FORMER EMPLOYEES

Part 501 is hereby amended by the addition of § 501.31 as follows:

§ 501.31 *Restrictions on former employees.* (a) No former member, officer or employee of the Commission shall represent any claimant before the Commission or shall be connected in any way with the prosecution of any claim which is before the Commission which claim was in any way considered by such former member, officer or employee during his period of service with the Commission or concerning which he gained personal knowledge during his service with the Commission.

(b) No former member, officer or employee of the Commission shall, for a period of two years following his service with the Commission represent any claimant before the Commission or shall be connected in any way with the prosecution of any claim before the Commission unless prior approval is obtained from the Commission in each matter. To obtain such approval a request shall be made in affidavit form to the Commission stating (1) that the applicant did not personally consider the matter or gain personal knowledge thereof during his service with the Commission, and (2) that he is not associated with any person who personally considered the matter or gained personal knowledge thereof during his service with the Commission. The application may be granted or denied in the discretion of the Commission and shall be denied if the public interest would otherwise suffer.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 53-1111; Filed, Feb. 2, 1953; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of January A. D. 1953.

The matter of modifying the "Uniform System of Accounts for Railroad Companies" being under consideration pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 41 Stat. 493, 54 Stat. 916, 49 U. S. C. 20); and,

It appearing that a notice dated December 11, 1952, was served on all railroad companies subject to provisions of the act, to the effect that certain modifications had been approved, such notice also being published in the FEDERAL REGISTER on December 24, 1952 (17 F. R. 11726) pursuant to provisions of section 4 of the Administrative Procedure Act; and,

It further appearing that the notice provided for written views or arguments to be filed by any interested person on or before January 16, 1953, and no representations having been received: It is ordered, that:

(1) *Effective date.* The modifications which are set forth below and made a part hereof, relating to the subject matter of said notice, shall become effective March 1, 1953.

(2) *Notice.* A copy of this order including the modifications set forth below shall be served on each carrier by railroad subject to Part I of the act and not independently operated as an electric line, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

1. In § 10.704 *Capital and other reserve funds,* cancel the text of and notes to this account, and substitute the following for them:

§ 10.704 *Capital and other reserve funds.* (a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 703, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 703.

NOTE B: The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 711, "Special deposits." Deposits available for general company purposes shall be included in account 708, "Cash."

2. In § 10.711 *Special deposits,* cancel the text of this account and substitute the following text and note for it:

§ 10.711 *Special deposits.* This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 708, "Cash".

3. In § 10.721 *Insurance and other funds,* add the following note to the text of this account:

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 711, "Special deposits." Deposits available for general company purposes shall be included in account 708, "Cash".

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

[F. R. Doc. 53-1097; Filed, Feb. 2, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 678]

STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

Pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 421, dated May 8, 1952, as amended by Administrative Orders No. 422, dated June 3, 1952, appointed Special Industry Committee No. 12 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in said orders, including the stone, glass, and related products industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the stone, glass, and related products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the stone, glass, and related products industry in Puerto Rico, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico. After investigating economic and competitive conditions in the industry, the Committee filed with the Administrator a report containing (a) its recommendations that the industry be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to a notice published in the FEDERAL REGISTER on August 30, 1952, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on October 14, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the stone, glass, and related products industry in Puerto Rico and its divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 12 for Minimum Wage Rates in the Stone, Glass, and Related Products Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (16 F. R. 2684), that I propose to approve the Committee's recommendations for the stone, glass, and related products industry, and to revise this part to read as set forth below, to carry such recommendations into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.

678.1 Wage rates.
678.2 Notices of order.
678.3 Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 678.1 to 678.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 678.1 *Wage rates.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass and glass products division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass decorating division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the mica division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the concrete pipe division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hot asphaltic plant mix division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 678.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the stone, glass, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 678.3 *Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.* (a) The stone, glass, and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and other similar natural materials: *Provided, however,* That the definition shall not include the manufacture of chemicals, or the extraction of minerals used for such manufacture, or any product or activity included in the button, buckle, and jewelry industry, the cement industry, the clay and clay products industry, the construction, business service, motion picture, and miscellaneous industries, the jewel cutting and polishing industry, or the metal, plastics, machinery, instrument, transportation equipment and allied industries (as defined in the wage orders for these industries in Puerto Rico).

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part shall apply, are hereby defined as follows:

(1) *Glass and glass products division.* The manufacture of glass and glass products except the decorating of glass or glass products when performed in a non-glass making establishment.

(2) *Glass decorating division.* The decorating of glass or glass products when performed in a non-glass making establishment.

(3) *Mica division.* The processing of mica and the manufacture of mica parts for radio, television, or other electronic tubes or for other electrical products.

(4) *Concrete pipe division.* The manufacture of concrete pipe or conduit.

(5) *Hot asphaltic mix division.* The manufacture of hot asphaltic plant mix for paving.

(6) *General division.* All products and activities included in the stone, glass, and related products industry, as defined in this section, except those included in the glass and glass products division, the glass decorating division, the mica division, the concrete pipe division, and the hot asphaltic mix division, as defined in this section.

Signed at Washington, D. C., this 28th day of January 1953.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 53-1104; Filed, Feb. 2, 1953; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 26, 1953.

Notice is given that the plat of original survey of the following described lands, accepted April 30, 1952 will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

COPPER RIVER MERIDIAN

T. 28 S., R. 55 E., Completion of Section 22.

The area described contains 320.80 acres.

The land is located at Mile Post 28 of the Haines Cut-off Road, lying northwest of Haines, Alaska.

The land is relatively rugged, shallow soiled, with mature Hemlock and Sitka Spruce forming a complete cover. The shallow soil is composed of a light silt with high content of sand. Generally speaking, it is not considered agricultural.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 53-1086; Filed, Feb. 2, 1953; 8:46 a. m.]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 26, 1953.

Notice is given that the plat of original survey of the following described lands, accepted June 26, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m., on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 14 N., R. 2 W., Sections 23 and 24.

The area described contains 1280 acres.

The lands are included in the withdrawal made by Executive Order 8102, of April 29, 1939, from settlement, location, sale, entry, and all forms of appropriation for use as a military reservation; section 24 is also reserved and classified for Power Site under section 24 of the act of June 10, 1920, by Power Site Classification 399 of March 29, 1950.

Anyone having a settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing application under the appropriate public land law, setting forth all facts relative thereto.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 53-1087; Filed, Feb. 2, 1953; 8:46 a. m.]

Bureau of Reclamation

[No. 68]

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES AND ANNUAL WATER RENTAL CHARGES

JANUARY 5, 1953.

1. *Annual operation and maintenance charges for lands under public notice,*

Reservation Division. The minimum annual operation and maintenance charge for the calendar year 1953 and thereafter until further notice against all lands of the Reservation Division under public notice shall be $7.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 7 acre-feet of water per acre on certain sandy areas shown on the list attached hereto and to public notice No. 64 and to 5 acre-feet of water per irrigable acre on all other lands of the division under public notice. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot.

Where in the opinion of the Chief, Operations Division, Lower Colorado River District, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods: *Provided, however,* That lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Chief, Operations Division that although the water so served free of charge during such preceding year was applied to the land in sufficient quantities over a period of not less than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on July 1 of each year.

2. *Annual water rental charges for other lands, Reservation Division.* Irrigation water will be furnished during the calendar year 1953 and thereafter until further notice for lands in the Reservation Division not under public notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications for temporary water service, at the following rates: The minimum annual charge shall be $7.50 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of $2.00 per acre-foot. All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for but not used.

3. *Annual water rental charges for lands in the Valley Division not under public notice.* Irrigation water will be furnished during the calendar year 1953 and thereafter until further notice for lands in the Valley Division not under public notice which can be irrigated from the present distribution system without further construction expense by the United States, upon a rental basis under approved applications for temporary water service, at the following rates:

(a) The minimum annual charge shall be $16.00 per irrigable acre, payment of which will entitle the applicant to 5 acre-feet of water per irrigable acre. Additional water, if available, will be furnished at the rate of $1.50 per acre-foot.

(b) The charge per calendar year for each city or town lot having a maximum width not exceeding sixty (60) feet shall be $10.00. Where an applicant requests water service for more than one such lot in the same city or town the charge per calendar year for each additional lot shall be $4.00. Where lots exceed sixty (60) feet in width, each sixty (60) feet of additional width or fractional part thereof shall be considered as one additional lot.

All charges shall be payable in advance of the delivery of water. Refund will be made for additional water paid for under subdivision (a) hereof but not used.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Agent-Cashier, Bureau of Reclamation, Yuma Air Base, or mailed to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

E. G. NIELSEN,
Regional Director.

SANDY AREAS IN THE RESERVATION UNDER PUBLIC NOTICE

TOWNSHIP 16 SOUTH, RANGE 23 EAST, S. B. M., CALIFORNIA

Section	Farm unit	Description of lands within which sandy areas are located	Acres sandy
4		That part of SW¼ described in application for permanent water right bearing serial No. 204.	104.4
5	P	That part of SW¼SE¼ lying west of drain.	13.6

[F. R. Doc. 53-1088; Filed, Feb. 2, 1953; 8:46 a. m.]

Office of the Secretary

[Order 2714]

CALIFORNIA AND NEW MEXICO

OIL AND GAS LEASE APPLICATIONS FOR CERTIAN NATIONAL-FOREST LANDS TO BE REJECTED

SECTION 1. *Action on applications.* It is ordered that, until further notice, no oil and gas lease under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.) as amended and supplemented, shall be issued for the public lands within the areas described in section 2. All pending applications for such leases, and all applications for such leases hereafter filed, shall be rejected.

SEC. 2. *Description of lands.*

CALIFORNIA

LOS PADRES NATIONAL FOREST

VENTANA WILD AREA

MOUNT DIABLO MERIDIAN

T. 18 S., R. 1 E.,
Sec. 1;
Sec. 12.
T. 18 S., R. 2 E.,
Secs. 1 to 17, inclusive;
Sec. 18, NE¼;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 19 S., R. 2 E.,
Secs. 1 to 17, inclusive;
Sec. 18, E½;
Sec. 20, E½;
Secs. 21 to 28, inclusive.
T. 18 S., R. 3 E.,
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Secs. 29 to 32, inclusive.
T. 19 S., R. 3 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 21, inclusive;
Secs. 28 to 33, inclusive.

The areas described, including both public and non-public lands, aggregate 55,980.80 acres.

SAN RAFAEL WILD AREA

SAN BERNARDINO MERIDIAN

T. 7 N., R. 26 W.,
Sec. 5, S½;
Sec. 6, lots 9 to 26, inclusive;
E½SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, W½;
Secs. 17 and 18;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.
T. 8 N., R. 26 W.,
Sec. 31;
Sec. 32, SW¼NW¼, SW¼, W½SE¼.
T. 6 N., R. 27 W.,
Sec. 3, lot 4, SW¼NW¼, W½SW¼;
Sec. 4;
Sec. 5, lots 1 and 2, S½NE¼;
Sec. 9, NE¼.
T. 7 N., R. 27 W.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, SE¼;
Secs. 20 to 24, inclusive;
Sec. 25, W½E½, W½;
Secs. 26 to 29, inclusive;
Sec. 30, E½;
Secs. 32 and 33;
Sec. 34, N½, SW¼;
Sec. 35, N½N½;
Sec. 36, N½NW¼.
T. 8 N., R. 27 W.,
Secs. 6 and 7;
Sec. 17, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Secs. 18 to 20, inclusive;
Sec. 21, W½SW¼;
Sec. 25, S½S½;
Sec. 26, S½;
Sec. 27, S½;
Secs. 28 to 36, inclusive.
T. 7 N., R. 28 W.,
Secs. 1 to 4, inclusive;
Sec. 10, E½;
Secs. 11 to 13, inclusive;
Sec. 14, E½;
Sec. 24, NE¼.
T. 8 N., R. 28 W.,
Sec. 1, S½;
Secs. 2 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Sec. 33, lots 1 and 2, E½NE¼;
Sec. 34, N½;
Sec. 35, N½, SE¼;
Sec. 36.
T. 9 N., R. 28 W.,
Secs. 31 and 32;
Sec. 33, S½;
Sec. 34, S½.
T. 8 N., R. 29 W.,
Secs. 1 to 6, inclusive;
Sec. 7, NE¼;
Secs. 8 to 15, inclusive;
Sec. 16, N½, SE¼;
Sec. 17, NE¼;
Sec. 22, N½N½;
Sec. 23, NE¼, N½NW¼;
Sec. 24;
Sec. 25, E½.

T. 9 N., R. 29 W.,
Sec. 25;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½N½, S½.
T. 8 N., R. 30 W.,
Sec. 1, lots 1 to 5, inclusive, NW¼SE¼.
T. 9 N., R. 30 W.,
Sec. 25, SE¼SW¼, S½SE¼;
Sec. 35, E½SE¼;
Sec. 36, E½, E½NW¼, SW¼.

The areas described, including both public and non-public land, aggregate 80,329.38 acres.

SANTA YNEZ WATERSHED

SAN BERNARDINO MERIDIAN

T. 5 N., R. 24 W.,
Sec. 19, lots 1 to 4, inclusive, and E½SW¼;
Sec. 30, lots 1 and 2, W½SW¼.
T. 5 N., R. 25 W., partly unsurveyed,
Sec. 2, lots 3 and 4, S½NW¼, SW¼, SW¼SE¼;
Secs. 3 to 11, inclusive;
Sec. 12, W½W½;
Sec. 13, W½NW¼, SW¼, SW¼SE¼;
Secs. 14 to 18, inclusive;
Sec. 19, lots 1, 3, and 4, E½, E½W½;
Sec. 20;
Sec. 21, N½, N½S½, SW¼SW¼, SW¼SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 28, NE¼NE¼, S½;
Secs. 29 and 30;
Sec. 31, lots 1, 2, and 3, NE¼, N½SE¼, E½NW¼, NE¼SW¼;
Sec. 32, N½, N½S½;
Sec. 33, N½, N½S½, S½SE¼;
Sec. 34, N½, N½S½, S½SW¼;
Sec. 35, N½N½;
Sec. 36, N½N½.
T. 5 N., R. 26 W.,
Secs. 1, 2, 3, and 4;
Sec. 5, lots 1 to 23, inclusive;
Sec. 6, lots 1 to 14, inclusive, W½SE¼, SW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 7, lots 1 to 12, inclusive, NE¼SE¼, NE¼, E½NW¼;
Sec. 8, lots 1 to 18, inclusive, SE¼NE¼, E½SE¼, S½SW¼, NW¼SW¼;
Sec. 9, lot 1, E½, E½W½, SW¼NW¼, W½SW¼;
Secs. 10 to 14, inclusive;
Sec. 15, N½, SE¼, SE¼SW¼;
Sec. 16, N½;
Sec. 17, lots 1 to 7, inclusive, S½, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 18, lots 1 to 8, inclusive, S½NE¼, SE¼, SE¼NW¼, E½SW¼;
Secs. 19 and 20;
Sec. 21, S½, S½NW¼, NW¼NW¼;
Secs. 22 to 26, inclusive;
Sec. 27, N½, SW¼;
Sec. 28;
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 30, lots 1 and 2, E½, E½NW¼;
Sec. 33, lots 1, 2, 3, 4, 7, and 8;
Sec. 34, lots 1 and 2, N½NE¼;
Sec. 35, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 36.
T. 5 N., R. 27 W.,
Secs. 1, 2, and 3;
Secs. 4, 5, 6, 7, 8, 9;
Sec. 10, lots 1 to 16, inclusive, NE¼, SW¼SE¼, S½SW¼, NW¼SW¼;
Sec. 11, lots 1 to 13, inclusive, N½N½, SE¼NE¼, SW¼SE¼;
Sec. 12, lots 1 to 16, inclusive, NE¼, SE¼SE¼;
Sec. 13, lot 1, E½, E½W½, SW¼NW¼, W½SW¼;
Sec. 14, lots 1, 2, and 3, S½, S½N½;
Sec. 15, lots 1 to 10, inclusive, W½NE¼, SE¼SE¼, W½;
Secs. 16, 17, 18;
Sec. 19, lots 1, 3, 4, NE¼NW¼;
Sec. 20, lots 1, 2, 3, 4, 7, and 8;
Sec. 21, lots 1 to 12, inclusive;
Sec. 24, NE¼NE¼, S½NE¼.
T. 5 N., R. 28 W.,
Sec. 1, N½, N½SE¼, N½N½SW¼, SE¼SE¼, N½N½SW¼SE¼, SE¼NE¼SW¼;
Secs. 2 and 3;
Sec. 4;
Sec. 5, S½S½, lots 2, 3, and 4;
Sec. 6, lot 1;
Sec. 7, lots 1 to 4, inclusive, lots 7 to 20, inclusive;
Sec. 8, E½NE¼, NE¼SE¼, lots 2 to 8, inclusive;
Sec. 9, lots 2, 3, and 4, SE¼, E½SW¼, SW¼NW¼;
Sec. 10, S½N½, W½SE¼, SW¼;
Sec. 11, S½NE¼, SE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 12, NE¼NE¼, S½NE¼, S½, NE¼NW¼NE¼, S½NW¼NE¼;
Sec. 13;
Sec. 14, N½N½, S½NE¼, NE¼SE¼;
Sec. 15, N½N½, SW¼NE¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½NW¼;
Sec. 16, NE¼;
Sec. 17, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 18;
Sec. 19, lots 2 to 7, inclusive;
Sec. 20, W½NE¼, NW¼.
T. 5 N., R. 29 W.,
Sec. 1, lots 3, 4, 5, and 6;
Sec. 2, SW¼SE¼, S½SW¼;
Sec. 3, SW¼SE¼, S½SW¼;
Sec. 4, lots 1, 5, 9, 10, 11, and 12, SE¼;
Sec. 5, lots 1, 2, 3, 6 to 11, inclusive, 13, 14, 15, 16;
Sec. 6, lots 5, 6, and 7, SE¼NE¼, E¼SW¼, SE¼;
Sec. 7, lots 1 and 2, E½NW¼, NE¼, N½S½, SE¼SE¼, SW¼SW¼;
Secs. 8 and 9;
Sec. 10, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 11, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 12, W½NE¼, SE¼NE¼, W½SE¼, and W½;
Sec. 13, SE¼NE¼, NW¼, S½;
Sec. 14, N½, N½SE¼;
Sec. 15, N½N½;
Sec. 16, N½NE¼, NE¼NW¼.
T. 5 N., R. 30 W.,
Sec. 1, lots 1, 2, 3, 5, 6, 7, SW¼NE¼, W½SE¼, S½NW¼, SW¼;
Sec. 2, SE¼NE¼, E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, lots 1 to 4, inclusive, W½E½, NW¼, NE¼SW¼.
T. 6 N., R. 24 W.,
Sec. 4, lots 3 and 4, S½NW¼, SW¼;
Sec. 5;
Sec. 8, N½;
Sec. 9, NW¼.
T. 6 N., R. 25 W.,
Secs. 1 to 11, inclusive;
Sec. 12, W½;
Sec. 13, W½;
Secs. 14 to 23, inclusive;
Sec. 24, W½E½, W½;
Sec. 25, W½;
Secs. 26 to 35, inclusive;
Sec. 36, N½NW¼.
T. 6 N., R. 26 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, and 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, and 4, S½N½, N½S½, SE¼SE¼;
Sec. 5, lots 1, 2, and 3, S½NE¼, NW¼SW¼, S½SW¼, SW¼SE¼, NE¼SE¼;
Secs. 6 to 20, inclusive;
Sec. 21, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 22, N½, E½SW¼, SE¼;
Secs. 23 to 27, inclusive;
Sec. 28, S½NE¼, NW¼NE¼, S½, NW¼;
Secs. 29 to 36, inclusive.
T. 6 N., R. 27 W.,
Secs. 1 to 6, inclusive;
Sec. 7;
Secs. 8 to 12, inclusive;
Sec. 13, lots 1 to 6, inclusive, N½, S½SW¼, NE¼SE¼;
Secs. 14 to 17, inclusive;
Sec. 18;
Sec. 19;
Secs. 20 to 29, inclusive;
Secs. 30 and 31;
Secs. 32 to 36, inclusive.
T. 6 N., R. 28 W.,
Sec. 1;
Sec. 2;
Sec. 12;
Sec. 24, SE¼SE¼;
Sec. 25;
Sec. 26, lot 1;
Sec. 34, lot 1;
Sec. 35;
Sec. 36.
T. 6 N., R. 29 W.,
Sec. 29;
Sec. 30, lots 1, 2, and 4;
Sec. 31, lots 2, 3, and 4, E½E½;
Sec. 32, N½SE¼, SW¼SE¼, W½;
Sec. 33, W½SW¼;
Sec. 34, lots 1 and 2.
T. 7 N., R. 24 W.,
Sec. 29, S½S½;
Sec. 30, lots 2, 3, and 4, E½SW¼, S½SE¼;
Secs. 31 and 32;
Sec. 33, W½.
T. 7 N., R. 25 W.,
Sec. 7, lots 3 and 4, E½SW¼, SE¼;
Sec. 8, SW¼NW¼, S½;
Sec. 16, S½, S½NW¼, NW¼NW¼;
Sec. 17;
Secs. 18 to 21, inclusive;
Sec. 22, S½, NW¼, W½NE¼, SE¼NE¼;
Sec. 23, S½S½, NW¼SW¼, SW¼NW¼;
Secs. 26 to 35, inclusive.
T. 7 N., R. 26 W.,
Sec. 1, E½E½SE¼, W½E½SE¼;
Sec. 7, S½SE¼;
Sec. 8, S½S½;
Sec. 9, S½S½, N½SE¼;
Sec. 10, S½NW¼, S½;
Sec. 11;
Secs. 12 to 30, inclusive;
Sec. 31, lots 1, 2, 3, and 4, E½W½, W½E½, E½NE¼;
Sec. 32, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 33, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 34, N½, N½S½, S½SE¼;
Secs. 35 and 36.
T. 7 N., R. 27 W.,
Sec. 4, S½;
Sec. 6, lot 26, SE¼SW¼;
Secs. 7, 8, and 9;
Sec. 10, S½, NW¼, S½NE¼;
Sec. 11, S½, S½N½;
Sec. 12, SW¼, S½SE¼;
Secs. 13, 14, and 15;
Sec. 16, E½, N½NW¼, SW¼NW¼, SW¼;
Secs. 17 to 35, inclusive;
Sec. 36, E½, N½NW¼, W½SW¼.
T. 7 N., R. 28 W.,
Sec. 1, SE¼SW¼, SE¼;
Secs. 7, 8, and 9;
Secs. 10 to 15, inclusive;
Secs. 16, 17, and 18;
Sec. 19, NE¼, NW¼SE¼;
Sec. 20, N½, N½S½, SE¼SW¼;
Sec. 21, N½, N½S½, SE¼SW¼, S½SE¼;
Secs. 22 to 26, inclusive;
Sec. 27;
Sec. 28, lots 1, 2, 3, and 4, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 34;
Sec. 35;
Sec. 36.
T. 7 N., R. 29 W.,
Sec. 1, lot 4, SW¼NW¼, SW¼;
Sec. 2, lots 1 to 7, inclusive, S½NE¼, S½;
Sec. 3, lots 1, 2, and 4, SE¼NE¼ NE¼SE¼, S½SE¼, SW¼, SW¼NW¼;
Sec. 4;
Sec. 9, NE¼;
Sec. 10, SW¼NE¼, SE¼, W½;
Secs. 11 and 12;
Sec. 13, N½SW¼, SW¼SW¼, NW¼SE¼; N½;
Sec. 14, E½NE¼, NW¼NE¼, NE¼SE¼;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, SW¼.

T. 8 N., R. 29 W.,
Sec. 32, S½SE¼;
Sec. 33, S½SW¼, SE¼;
Sec. 34, S½N½, S½;
Sec. 35, lot 1, NW¼SE¼, S½SE¼, S½NW¼, N½SW¼, SE¼SW¼;
Sec. 36, SW¼SW¼.

The areas described, including both public and non-public lands, aggregate approximately 197,717 acres.

The public lands within portions of the above-described areas in the San Rafael Wild Area and the Santa Ynez Watershed were withdrawn, with other lands, by the act of April 20, 1936 (49 Stat. 1234) from location or entry under the United States mining laws, to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County.

NEW MEXICO

SANTA FE NATIONAL FOREST

SAN PEDRO PARKS WILD AREA

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 N., R. 1 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½;
Sec. 14, N½, SW¼;
Secs. 15 to 22, inclusive;
Sec. 23, W½.
T. 21 N., R. 2 E.,
Secs. 6 and 7;
Sec. 18, N½.
T. 22 N., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 22 N., R. 2 E.,
Secs. 18, 19, 30, and 31.

The areas described aggregate 41,130.65 acres of public land.

SEC. 3. *Purpose of order.* This order is issued on the recommendation of the Department of Agriculture in order to protect the watershed and wild-area values of the lands.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

JANUARY 27, 1953.

[F. R. Doc. 53-1089; Filed, Feb. 2, 1953; 8:47 a. m.]

[Order 2714]

CALIFORNIA AND NEW MEXICO

NOTICE FOR FILING OBJECTIONS TO ORDER REGARDING OIL AND GAS LEASE APPLICATIONS FOR CERTAIN NATIONAL-FOREST LANDS TO BE REJECTED [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

JANUARY 27, 1953.

[F. R. Doc. 53-1090; Filed, Feb. 2, 1953; 8:47 a. m.]

[1] See F. R. Doc. 53-1089, *supra.*

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

Blue Bell, Inc., Ruckersville, Va., effective 1-23-53 to 7-22-53; 50 learners for expansion purposes (dungarees).

Brookfield Manufacturing Co., Court Street, Plymouth, Mass., effective 1-26-53 to 1-25-54; five learners (dresses).

Campus Shirt Co., 130 East South Street, Barnesville, Ohio, effective 1-23-53 to 1-22-54; 10 percent of the productive factory force (sport shirts).

Carwood Manufacturing Co., Baldwin, Ga., effective 1-22-53 to 1-21-54; 10 percent of the productive factory force (men's and boys' cotton work shirts and work pants).

Carwood Manufacturing Co., Monroe, Ga., effective 1-19-53 to 1-18-54; 10 percent of the productive factory force (denim work clothing).

Carwood Manufacturing Co., Winder, Ga., effective 1-19-53 to 1-18-54; 10 percent of the productive factory force (men's and boys' work shirts and pants).

Carwood Manufacturing Co., Lavonia, Ga., effective 1-19-53 to 1-18-54; 10 percent of the productive factory force (men's and boys' work shirts and pants).

Carwood Manufacturing Co., Cornelia, Ga., effective 1-19-53 to 1-18-54; 10 percent of the productive factory force (men's and boys' work shirts).

Co-Ed Garment Co., De Sota, Mo., effective 1-26-53 to 7-25-53; 20 learners for expansion purposes (ladies' washable outer clothing).

Co-Ed Garment Co., Festus, Mo., effective 1-26-53 to 7-25-53; 15 learners for expansion purposes (dresses).

Co-Ed Garment Co., Festus, Mo., effective 1-26-53 to 1-25-54; 10 learners (dresses).

Cumberland Undergarment Co., Inc., Cumberland, Md., effective 1-25-53 to 1-24-54; 10 percent of the productive factory force engaged in the manufacture of ladies' slips, half slips, and gowns; learners to be engaged at subminimum wage rates in the manufacture of these items only (ladies' undergarments).

Dallastown Apparel Co., Inc., 223 West Walnut Street, Hazleton, Pa., effective 1-26-53 to 1-25-54; 10 learners (cotton dresses).

Frackville Manufacturing Co., Lebanon, Pa., effective 1-24-53 to 1-23-54; 10 learners or 10 percent of the productive factory force, whichever is greater (pajamas, night shirts, operating gowns, jean drawers).

General Garment Co., Virden, Ill., effective 1-19-53 to 1-18-54; 10 learners (dresses).

Hollywood-Maxwell Co., 302 North Walnut Street, Cameron, Mo., effective 1-23-53 to 1-22-54; 10 learners (brassieres).

McTague Manufacturing Co., Inc., Fifteenth and Pine Streets, Philipsburg, Pa., effective 1-26-53 to 7-25-53; five learners for expansion purposes (gabardine sport jackets, cotton drill convalescent coats, etc.).

Meyersdale Manufacturing Co., Meyersdale, Pa., effective 1-23-53 to 1-22-54; 10 percent of the productive factory force (shirts).

The Monarch Co., 383½ Whitehall Street SW., Atlanta, Ga., effective 1-26-53 to 1-25-54; 10 percent of the productive factory force (longies, jackets, shorts, shirts).

Perry Manufacturing Co., Box 349, Lowgap Road, Mount Airy, N. C., effective 1-26-53 to 7-25-53; 10 learners for expansion purposes (ladies' sportswear).

Perry Manufacturing Co., Box 349, Lowgap Road, Mount Airy, N. C., effective 1-26-53 to 1-25-54; 10 percent of the productive factory force (ladies' sportswear).

Publix Shirt Corp., Hazleton, Pa., effective 1-23-53 to 1-22-54; 10 percent of the productive factory force (men's dress shirts).

Quality First Shirt Co., 303 Market, Bridgeville, Del., effective 1-26-53 to 1-25-54; 10 learners (men's shirts).

Red Lion Manufacturing Co., 224-236 First Avenue, Red Lion, Pa., effective 1-27-53 to 1-26-54; 10 percent of the productive factory force; learners not to be engaged at subminimum wage rates in the production of skirts (sportswear, dresses, pajamas, and robes).

Reliance Manufacturing Co., "Premium" Factory, Seymour, Ind., effective 1-26-53 to 1-25-54; 10 percent of the productive factory force (dress shirts).

Sel Mor Garment Co., Inc., 1408 Locust Street, St. Louis, Mo., effective 1-26-53 to 1-25-54; 10 percent of the productive factory force (lingerie).

Sel Mor Garment Co., Inc., 1133 Washington Avenue, St. Louis, Mo., effective 1-26-53 to 1-25-54; 10 percent of the productive factory force (lingerie).

Seneca Sportswear Manufacturing Co., Leggett and Clark Streets, Scranton, Pa., effective 2-1-53 to 1-31-54; 10 learners (boys' and girls' outerwear).

Sunstate Slacks, Inc., 900 North Howard Avenue, Tampa 7, Fla., effective 1-22-53 to 7-21-53; 10 learners for expansion purposes (dress slacks).

Sunstate Slacks, Inc., 900 North Howard Avenue, Tampa 7, Fla., effective 1-22-53 to 1-21-54; 10 percent of the productive factory force (dress slacks).

The Warner Bros. Co., Malone, N. Y., effective 1-25-53 to 7-24-53; 25 learners for expansion purposes (corsets and brassieres).

The Warner Bros. Co., Malone, N. Y., effective 1–25–53 to 1–24–54; 10 percent of the productive factory force (corsets and brassieres).

Williamson-Dickie Manufacturing Co., Uvalde, Tex., effective 1–22–53 to 7–21–53; 100 learners for expansion purposes (work clothing).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Amos Hosiery Mills, Inc., 328 Mangum Avenue, High Point, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Amos & Smith Hosiery Co., Pilot Mountain, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Burlington Mills Corp., Vance Hosiery Plant, Kernersville, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Chadbourn Hosiery Mills, Inc., 401–409 South Sixth Avenue, Plant No. 5, Siler City, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Crewe Hosiery Co., Inc., Crewe, Va., effective 1–25–53 to 1–24–54; five learners.

Damascus Hosiery Mills, Inc., Damascus, Va., effective 1–30–53 to 1–29–54; five learners.

Francis-Louise Full Fashion Mills, Inc., Valdese, N. C., effective 1–26–53 to 1–25–54; 5 percent of the productive factory force.

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pa., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Hollar Hosiery Mills, Inc., 5 First Avenue NW., Hickory, N. C., effective 1–25–53 to 1–24–54; five learners.

James Hosiery Mills, Inc., Greeneville, Tenn., effective 1–25–53 to 1–24–54; five learners.

Owen Osborne Hosiery Mills, Inc., Gainesville, Ga., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

The Robbins Knitting Co., Spruce Pine, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

S. & W. Hosiery Mills, Englewood, Tenn., effective 1–25–53 to 1–24–54; five learners.

United Hosiery Mills Corp., 2001 Wheeler Avenue, Chattanooga, Tenn., effective 1–31–53 to 1–30–54; 5 percent of the productive factory force.

Van Raalte Co., Inc., Athens, Tenn., effective 2–15–53 to 2–14–54; 5 percent of the productive factory force.

Windy City Knitting Mills, Inc., North Tenth Street, Hickory, N. C., effective 1–25–53 to 1–24–54; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Cumberland Undergarment Co., Inc., Cumberland, Md., effective 1–25–53 to 1–24–54; five learners; learners to be engaged at subminimum wage rates in the manufacture of ladies' panties only (knitted panties).

Moyer Knitting Mills, South Race Street, Richland, Pa., effective 1–28–53 to 1–27–54; three learners (knitted outerwear).

Jonathan A. Williams Co., 555 Carey Avenue, Wilkes-Barre, Pa., effective 1–20–53 to 1–19–54; eight learners (infants' layette sets).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Grace Richey Clarke Studio, 901 South Twenty-third Street, McAllen, Tex., effective 1–28–53 to 7–27–53; three learners; hand weaver; 320 hours at 65 cents per hour (handwoven reed and bamboo window blinds, handwoven table mats, and matching napkins, etc.).

Myrtle Hill Gardens, Route 1, Winston, Ga., effective 1–20–53 to 7–19–53; seven learners; floral arrangers making dish gardens and ming trees; 240 hours at 65 cents per hour (growing house plants, making dish gardens and ming trees).

The following special learner certificates were issued in Puerto Rico and the Virgin Islands to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Fabrics, Inc., Naguabo, P. R., effective 1–20–53 to 7–19–53; three learners; machine fixers and loopers; each 240 hours at 30 cents per hour, 240 hours at 35 cents per hour (seamless hosiery for infants).

Virgin Islands Button Co., Inc., Charlotte Amalie, St. Thomas, V. I., effective 1–20–53 to 7–19–53; five learners; cutters; 480 hours at 35 cents per hour (button blanks).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of January 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53–1091; Filed, Feb. 2, 1953; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6430]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER ISSUING DETERMINATION OF PROPORTION OF ANNUAL CHARGES

JANUARY 29, 1953.

Notice is hereby given that on January 23, 1953, the Federal Power Commission issued its determination of proportion of annual charges due for headwater benefits for years 1945 through 1948, entered January 22, 1953, in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1105; Filed, Feb. 2, 1953; 8:50 a. m.]

[Docket No. E–6472]

SOUTHERN UTAH POWER CO.

NOTICE OF APPLICATION

JANUARY 27, 1953.

Take notice that on January 26, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Utah Power Company, a corporation organized under the laws of the State of Utah and doing business in said State, with its principal office at Cedar City, Utah, seeking an order authorizing the issuance of an unsecured note or notes payable to the order of the Chase National Bank of the City of New York or such other bank or banks from which the Company may borrow funds up to but not exceeding $100,000 face amount, bearing interest at a rate not in excess of 3¾ percent per annum and having maturity dates not later than March 1, 1955; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 16th day of February 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1092; Filed, Feb. 2, 1953; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–449]

INDUSTRIAL BAG AND COVER INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference under the auspices of the Federal Trade Commission, will be held for the Industrial Bag and Cover Industry in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on February 24, 1953, commencing at 10:00 a. m., e. s. t.

All persons, firms, corporations and organizations engaged in the business of manufacturing, or marketing in commerce, any of the following paper or paperboard products are considered members of the industry and are invited to participate in the conference proceedings: Mattress and sleeping-pad bags; bags used in shipping empty cans and containers; bags for protecting upholstered furniture while in storage or in transit; hand-made or semi-hand-made bags used as protective covering for brooms and other articles of unique shape; casket covers; tubing up to 12 inches in width; freight-car liners; various types of water-resistant case liners; and form-fitting packaging used as protective covering for objects of irregular shapes and sizes.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for this industry under which unfair methods of competition, unfair or deceptive acts or practices, and other

trade abuses, may be eliminated and prevented.

Issued: January 29, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53–1113; Filed, Feb. 2, 1953; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27749]

GLYCERINE FROM DALLAS AND HOUSTON, TEX., TO NEWARK, N. J.

APPLICATION FOR RELIEF

JANUARY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Glycerine, other than crude, carloads.

From: Dallas and Houston, Tex.

To: Newark, N. J.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53–1054; Filed, Jan. 30, 1953; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 102]

HASTINGS, NEBRASKA, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JANUARY 30, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Hastings, Nebraska, Area: (The area consists of all of Adams and Clay Counties, Nebraska.)

ARTHUR S. FLEMMING, *Acting Director of Defense Mobilization.*

[F. R. Doc. 53–1191; Filed, Feb. 2, 1953; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1481]

H. L. GREEN CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of January A. D. 1953.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in H. L. Green Company, Inc., Common Stock, $1 Par Value, File No. 7–1481.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of H. L. Green Company, Inc., a security registered and listed on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 16, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53–1093; Filed, February 2, 1953; 8:48 a. m.]

[File No. 70–2981]

SOUTHERN COMPANY AND GEORGIA POWER COMPANY

NOTICE OF FILING REGARDING SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT FOR CASH

JANUARY 28, 1953.

Notice is hereby given that a joint application-declaration has been filed with this Commission by the Southern Company ("Southern"), a registered holding company, and Georgia Power Company ("Georgia"), a public utility subsidiary of Southern. Applicants-declarants have designated sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Georgia has an authorized common stock of 5,000,000 shares, no par value. There are now outstanding 4,796,000 of such shares, all of which are owned by Southern. Georgia proposes to issue and sell an additional 338,000 shares of common stock to Southern for a cash consideration of $6,000,000, of which $3,500,000 is to be received for 197,166 shares to be sold in February 1953 and $2,500,000 for 140,834 shares to be sold in March 1953. The price per share is slightly in excess of the book value, per share, of the issued and outstanding common stock as of November 30, 1952. Since there are only 204,000 shares of Georgia's common stock still unissued, Georgia proposes, prior to the issuance of common stock in excess of the amount now authorized, to take such steps as may be necessary to obtain an amendment of its charter which will increase the authorized number of shares of its common stock from 5,000,000 shares to 7,500,000 shares.

Georgia states that the proceeds from the sale of the shares of additional common stock will be used by Georgia to finance improvements, extensions, and additions to its utility plant.

The joint application-declaration states that the proposed issuance and sale of the shares of common stock by Georgia are subject to the jurisdiction of the Georgia Public Service Commission and that the expenses to be incurred in connection with the proposed transactions are estimated at $10,850, including counsel fees of $500.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than February 9, 1953, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his

interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m. on February 9, 1953, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1094; Filed, Feb. 2, 1953; 8:48 a. m.]

[File Nos. 70-2785, 70-2986]

STANDARD POWER AND LIGHT CORP. AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF PROPOSED ACQUISITION BY PARENT OF PORTFOLIO SECURITIES OF SUBHOLDING COMPANY UNDERGOING LIQUIDATION AND PROPOSED ACQUISITION BY ANOTHER SUBHOLDING COMPANY FROM PARENT OF STOCK INTEREST IN SUCH SUBHOLDING COMPANY UNDERGOING LIQUIDATION

JANUARY 28, 1953.

In the matter of Standard Power and Light Corporation, File No. 70-2785; Standard Power and Light Corporation, Standard Gas and Electric Company, File No. 70-2986.

Notice is hereby given that applications-declarations have been filed with this Commission by Standard Power and Light Corporation ("Power"), a registered holding company, and its subsidiary, Standard Gas and Electric Company ("Standard"), also a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, 11 and 12 of the act and Rules U-42, U-43, U-44 and U-46 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Standard now owns 5,030,690 shares (96.9 percent) of the 5,190,852 11/12 outstanding shares of common stock of Philadelphia Company ("Philadelphia"), a registered holding company, the principal asset of which is 4,711,829 shares (78.5 percent) of the 6,000,000 outstanding shares of common stock of Duquesne Light Company ("Duquesne"), an electric utility company. Power, which holds approximately 54 percent of the common stock of Standard, owns 9,750 shares (0.2 percent) of Philadelphia's common stock, and the balance of 150,412 11/12 shares of Philadelphia common stock is held by the public.

Power, Standard and Philadelphia have all been ordered by the Commission to liquidate and dissolve. In order to effectuate compliance with the Commission's orders, various plans have been filed by Standard and Philadelphia pursuant to section 11 (e) of the act.

On November 28, 1952, a plan for the partial liquidation of Philadelphia became effective. (Holding Company Act Release No. 11400.) Under this plan, the Commission permitted Philadelphia to distribute to its common stockholders, as a dividend in kind, one share of Duquesne common stock for each five shares of outstanding Philadelphia common stock. Under this plan, Power is entitled to receive 1,950 shares of Duquesne common stock and it has filed an application herein for authority to acquire such stock (File No. 70-2785).

There is pending, before the Commission, a plan filed by Standard pursuant to section 11 (e) of the act, in further compliance with the required liquidation of Standard and Philadelphia (File No. 54-191). Step II-A of that plan provides, among other things, for the retirement of the Philadelphia common stock held by the public on the basis of 0.885 share of Duquesne common stock for each share of Philadelphia common stock. (See Holding Company Act Release No. 11657.) This basis was agreed upon by representatives of Standard and its stockholders and of the publicly held common stock of Philadelphia and reflects a settlement of certain claims of mismanagement advanced on behalf of the public stockholders against Standard. A hearing on the proposed retirement of the publicly held common stock of Philadelphia was duly held on January 28, 1953, and the matter is pending before the Commission for decision.

If Step II-A of the Standard plan is approved and consummated, the only stockholders of Philadelphia will be Standard and Power. The latter companies have filed a joint application-declaration herein (File No. 70-2986) wherein Standard proposes to purchase from Power the 9,750 shares of common stock of Philadelphia held by Power at a price of $24 per share, its approximate market price on the filing date (January 15, 1953), or an aggregate of $234,000. The proposed purchase will not affect Power's right to 2/10 of a share of common stock of Duquesne for each such share of Philadelphia common stock it now holds pursuant to the aforementioned plan for the partial liquidation of Philadelphia.

In connection with the proposal of Standard to acquire Power's holdings of common stock of Philadelphia, the filing states that such transaction and the consummation of Step II-A of the Standard plan which provides for the retirement of the publicly held common stock of Philadelphia, will result in the ownership by Standard of all the outstanding common stock of Philadelphia and that such ownership will greatly facilitate the ultimate liquidation of Standard and Philadelphia.

Notice is further given that any interested person may, not later than February 16, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such applications-declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said applications-declarations as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1095; Filed, Feb. 2, 1953; 8:49 a. m.]

[File No. 70-2924]

APPALACHIAN ELECTRIC POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

JANUARY 28, 1953.

The Commission, by order dated September 15, 1952, and by supplemental order dated September 24, 1952, having granted the application, as amended, of Appalachian Electric Power Company ("Appalachian"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, with respect to the issuance and sale by Appalachian of $17,000,000 principal amount of First Mortgage Bonds ____ percent Series, due 1982 and $6,000,000 aggregate principal amount of ____ percent Serial Notes due 1956-1967, pursuant to the competitive bidding requirements of Rule U-50; and

The said order and supplemental order having reserved jurisdiction with respect to the fees and expenses of counsel by reason of the fact that the record, with respect to these items, had not been completed; and

The record having been completed with respect to these matters, setting forth the following legal fees:

	Bonds	Serial notes	Total
Simpson Thacher & Bartlett (counsel for Appalachian)	$9,250	$3,250	$12,500
Hunton, Williams, Anderson, Gay & Moore (Virginia counsel to Appalachian)	5,000	1,500	6,500
Campbell, McClintic, James & Weise (West Virginia counsel to Appalachian)	2,000	-------	2,000
Penn, Hunter, Smith & Davis (Tennessee counsel to Appalachian)	1,750	-------	1,750
Winthrop, Stimson, Putnam & Roberts (counsel for the purchasers, fee to be paid by purchasers)	5,000	2,500	7,500

The Commission having examined the record herein and finding that the fees of counsel, as proposed, are not unreasonable, and that it is appropriate to release jurisdiction with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved with respect to

fees and expenses of counsel be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1096; Filed, Feb. 2, 1953; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 5, Amdt. 2 to Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, as amended, this amendment to Delegation of Authority 5, Revision 1 (17 F. R. 98) is hereby issued.

Paragraph 1 of Delegation of Authority 5, Revision 1, is amended to read as follows:

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under Section 39 of Ceiling Price Regulation 7, as amended.

This amendment is effective January 31, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1165; Filed, Jan. 30, 1953; 1:00 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 16, 1953.

REGION IV

Richmond Order II-G1-1, amendment 2, filed 1:59 p. m.; II-G2-1, amendment 2, filed 1:59 p. m.; I-G1-3, filed 1:59 p. m.; II-G2-3, filed 2:00 p. m.; I-G3-3, filed 2:00 p. m.; I-G3A-3, filed 2:00 p. m.; I-G4-3, filed 2:00 p. m.; I-G4A-3, filed 2:00 p. m.

Baltimore Order I-G1-2, amendment 2, filed 2:01 p. m.; I-G2-2, amendment 2, filed 2:01 p. m.; I-G3-2, amendment 2, filed 2:01 p. m.; I-G4-2, amendment 2, filed 2:01 p. m.; I-G4A-2, amendment 2, filed 2:02 p. m.; II-G1-1, amendment 2, filed 2:02 p. m.; II-G2-1, amendment 2, filed 2:02 p. m.; II-G3-1, amendment 2, filed 2:02 p. m.; II-G4-1, amendment 2, filed 2:03 p. m.; I-G1-3, filed 2:03 p. m.; I-G2-3, filed 2:03 p. m.; III-G3-1, filed 2:04 p. m.; III-G4-1, filed 2:04 p. m.; III-G4A-1, filed 2:04 p. m.

Charlotte Order I-G1-3, filed 2:04 p. m.; I-G2-3, filed 2:05 p. m.; I-G3-3, filed 2:05 p. m.; I-G3A-3, filed 2:06 p. m.; I-G4-3, filed 2:06 p. m.; I-G4A-2, filed 2:07 p. m.; I-G3A-3, amendment 1, filed 2:07 p. m.; I-G4-3, amendment 1, filed 2:08 p. m.; I-G3-3, amendment 1, filed 2:08 p. m.; I-G1-3, amendment 1, filed 2:08 p. m.; I-G2-3, amendment 1, filed 2:08 p. m.; I-G4A-2, amendment 1, filed 2:09 p. m.

Washington, D. C., Order I-G1-3, filed 2:10 p. m.; I-G2-3, filed 2:10 p. m.; I-G4-3, filed 2:10 p. m.; I-G4A-1, filed 2:10 p. m.

REGION V

Atlanta Order I-G1-3, filed 2:11 p. m.; I-G2-3, filed 2:11 p. m.; I-G3-3, filed 2:11 p. m.; I-G3A-3, filed 2:11 p. m.; I-G4-3, filed 2:11 p. m.; I-G4A-3, filed 2:12 p. m.

Columbia Order I-G3-2, amendment 2, filed 2:12 p. m.; I-G4-2, amendment 2, filed 2:12 p. m.

Jackson Order I-G3A-1, filed 2:13 p. m.; I-G3A-2, filed 2:13 p. m.

Jacksonville Order I-G3A-3, amendment 1, filed 2:14 p. m.; I-G4A-3, amendment 1, filed 2:14 p. m.

Montgomery Order I-G4-2, amendment 3, filed 2:14 p. m.

Nashville Order I-G3A-2, filed 2:15 p. m.; I-G3A-2, amendment 1, filed 2:15 p. m.; I-G3A-2, amendment 2, filed 2:15 p. m.; I-G3A-2, amendment 3, filed 2:16 p. m.

Memphis Order II-G1-2, filed 2:16 p. m.; II-G2-2, filed 2:16 p. m.; II-G3-2, filed 2:16 p. m.; II-G4-2, filed 2:17 p. m.; II-G4A-2, filed 2:17 p. m.

Chattanooga Order III-G1-2, filed 2:17 p. m.; III-G2-2, filed 2:18 p. m.; III-G3-2, filed 2:18 p. m.; III-G3A-2, filed 2:18 p. m.; III-G4-2, filed 2:18 p. m.; III-G4A-2, filed 2:19 p. m.

REGION VII

Chicago Order II-G1-1, filed 2:19 p. m.; II-G2-1, filed 2:20 p. m.; II-G3-1, filed 2:20 p. m.; II-G4-1, filed 2:20 p. m.; II-G4A-1, filed 2:21 p. m.

Milwaukee Order II-G1-2, filed 2:23 p. m.; II-G2-2, filed 2:23 p. m.; II-G3-2, filed 2:23 p. m.; II-G4-2, filed 2:23 p. m.; II-G1-2, amendment 1, filed 2:23 p. m.; II-G2-2, amendment 1, filed 2:24 p. m.; II-G3-2, amendment 1, filed 2:24 p. m.; II-G4-2, amendment 1, filed 2:25 p. m.

Indianapolis Order I-G1-3, amendment 1, filed 2:25 p. m.; I-G2-3, amendment 1, filed 2:25 p. m.; IV-G3-1, amendment 1, filed 2:25 p. m.; IV-G4-1, amendment 1, filed 2:26 p. m.; II-G1-2, filed 2:26 p. m.; II-G2-2, filed 2:26 p. m.

REGION VIII

Fargo Order III-G1-3, filed 2:27 p. m.; III-G2-3, filed 2:27 p. m.

Helena Order III-G1-1, filed 2:28 p. m.; III-G2-1, filed 2:28 p. m.; IV-G1-1, filed 2:28 p. m.; IV-G2-1, filed 2:28 p. m.

Sioux Falls Order I-G4-2, amendment 4, filed 2:29 p. m.; I-G4A-2, amendment 3, filed 2:29 p. m.; II-G1-2, amendment 3, filed 2:29 p. m.; I-G1-2, amendment 4, filed 2:29 p. m.; I-G2-2, amendment 4, filed 2:30 p. m.; II-G2-2, amendment 3, filed 2:30 p. m.; II-G3-2, amendment 3, filed 2:30 p. m.; II-G4-2, amendment 3, filed 2:30 p. m.

REGION IX

Des Moines Order I-G4-3, amendment 1, filed 2:31 p. m.; I-G3-3, amendment 1, filed 2:31 p. m.

Wichita Order I-G1-3, amendment 1, filed 2:31 p. m.; I-G2-3, amendment 1, filed 2:32 p. m.; I-G3-3, amendment 1, filed 2:32 p. m.; I-G4-3, amendment 1, filed 2:32 p. m.

St. Louis Order I-G1-3, filed 2:33 p. m.; I-G2-3, filed 2:33 p. m.; I-G3-3, filed 2:33 p. m.; I-G4-3, filed 2:34 p. m.; I-G4A-2, filed 2:34 p. m.; II-G1-1, amendment 1, filed 2:34 p. m.; II-G2-1, amendment 1, filed 2:34 p. m.; II-G3-1, amendment 1, filed 2:35 p. m.; II-G4-1, amendment 1, filed 2:35 p. m.; I-G1-3, amendment 1, filed 2:35 p. m.; I-G2-3, amendment 1, filed 2:36 p. m.; I-G3-3, amendment 1, filed 2:36 p. m.; I-G4-3, amendment 1, filed 2:36 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53-1076; Filed, Jan. 28, 1953; 4:45 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 19, 1953.

REGION X

Houston Order II-G1-1, filed 1:59 p. m.; II-G1-2, filed 1:59 p. m.

Little Rock Order I-G1-3, amendment 1, filed 2:00 p. m.; I-G2-3, amendment 1, filed 2:00 p. m.; I-G2-3, amendment 2, filed 2:00 p. m.; I-G3-3, amendment 1, filed 2:00 p. m.; I-G3A-3, amendment 1, filed 2:00 p. m.; I-G4-3, amendment 1, filed 2:01 p. m.; I-G4A-3, amendment 1, filed 2:01 p. m.

New Orleans Order I-G4-2, amendment 1, filed 2:01 p. m.; I-G4A-1, amendment 1, filed 2:02 p. m.

Oklahoma City Order I-G4-3, amendment 1, filed 2:02 p. m.

San Antonio Order I-G1-3, amendment 2, filed 2:02 p. m.; I-G2-3, amendment 2, filed 2:03 p. m.; I-G3A-3, amendment 2, filed 2:03 p. m.; I-G4A-2, amendment 2, filed 2:03 p. m.

REGION XI

Denver Order II-G1-1, amendment 2, filed 2:04 p. m.; II-G4-1, amendment 2, filed 2:05 p. m.; III-G1-1, amendment 2, filed 2:05 p. m.; III-G2-1, amendment 2, filed 2:05 p. m.; IV-G1-1, amendment 2, filed 2:06 p. m.; IV-G2-1, amendment 2, filed 2:06 p. m.; V-G1-1, amendment 2, filed 2:06 p. m.; V-G2-1, amendment 2, filed 2:07 p. m.

REGION XII

Los Angeles Order I-G1-3, filed 2:07 p. m.; I-G2-3, filed 2:07 p. m.; I-G3-3, filed 2:07 p. m.; I-G4-3, filed 2:08 p. m; I-G4A-3, filed 2:08 p. m.

San Diego Order II-G1-3, filed 2:08 p. m.; II-G2-3, filed 2:08 p. m.; II-G4-3, filed 2:08 p. m.; II-G4A-3, filed 2:09 p. m.; II-G1-3, amendment 1, filed 2:09 p. m.; II-G2-3, amendment 1, filed 2:09 p. m.; II-G4-3, amendment 1, filed 2:09 p. m.; II-G4A-3, amendment 1, filed 2:09 p. m.

Los Angeles Order III-G1-1, amendment 2, filed 2:10 p. m.; III-G2-1, amendment 2, filed 2:10 p. m.; III-G4-1, amendment 2, filed 2:10 p. m.; I-G1-2, amendment 3, filed 2:10 p. m.; I-G2-2, amendment 3, filed 2:10 p. m.; I-G4A-2, amendment 3, filed 2:11 p. m.; I-G3-2, amendment 4, filed 2:11 p. m.; I-G4-2, amendment 4, filed 2:11 p. m.

San Diego Order II-G1-2, amendment 4, filed 2:11 p. m.; II-G2-2, amendment 4, filed 2:12 p. m.; II-G4-2, amendment 4, filed 2:12 p. m.; II-G4A-2, amendment 4, filed 2:12 p. m.

REGION XIII

Boise Order I-G1-2, amendment 2, filed 2:12 p. m.; I-G2-2, amendment 2, filed 2:12 p. m.; I-G4A-2, amendment 2, filed 2:13 p. m.; II-G1-1, amendment 2, filed 2:13 p. m.; II-G2-1, amendment 2, filed 2:13 p. m.; II-G4A-1, amendment 2, filed 2:13 p. m.

Seattle Order I-G1-3, filed 2:13 p. m.; I-G2-3, filed 2:14 p. m.; I-G4-3, filed 2:14 p. m.; I-G4A-3, filed 2:14 p. m.; II-G4-2, filed 2:15 p. m.; III-G1-1, filed 2:15 p. m.; III-G2-1, filed 2:16 p. m.; III-G4A-1, filed 2:16 p. m.

Spokane Order II–G1–1, amendment 2, filed 2:16 p. m.; II–G2–1, amendment 2, filed 2:17 p. m.; II–G4A–1, amendment 2, filed 2:17 p. m.; I–G4–2, amendment 2, filed 2:17 p. m.

Portland Order I–G1–3, filed 2:17 p. m.; I–G2–3, filed 2:18 p. m.; I–G4–3, filed 2:18 p. m.; I–G4A–3, filed 2:18 p. m.; I–G3–1, amendment 3, filed 2:19 p. m.; II–G2–1, amendment 2, filed 2:19 p. m.; II–G1–1, amendment 2, filed 2:19 p. m.; II–G4–1, amendment 3, filed 2:20 p. m.; II–G4A–1, amendment 1, filed 2:20 p. m.; III–G1–1, amendment 1, filed 2:20 p. m.; III–G2–1, amendment 1, filed 2:20 p. m.; III–G4–1, amendment 2, filed 2:20 p. m.; III–G4A–1, amendment 1, filed 2:21 p. m.; IV–G4–1, amendment 2, filed 2:21 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53–1077; Filed, Jan. 28, 1953; 4:45 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19158]

J. HENRY JUNGHENN

In re: Estate of J. Henry Junghenn, a/k/a John Henry Junghenn, Deceased. File No. D–28–13148.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Elisabetha M. Schott, deceased, and of Maria W. Knoll, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of J. Henry Junghenn, also known as John Henry Junghenn, deceased, presently being administered by Howard Richard, as administrator d. b. n., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1114; Filed, Feb. 2, 1953; 8:52 a. m.]

[Vesting Order 19159]

JULIA DORA HOTZ

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Julia Dora Hotz, deceased, also known as Julia Dora Fries Hotz.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Julia Dora Hotz, deceased, also known as Julia Dora Fries Hotz, who there is reasonable cause to believe on or since January 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred and two (102) shares of $25.00 par value capital stock of The Texas Company, 135 East 42nd Street, New York 17, New York, evidenced by certificate numbered 346495 for 100 shares and TO391085 for 2 shares, together with all declared and unpaid dividends,

b. One hundred two-hundredths (100/200ths) of a share of $25.00 par value capital stock of The Texas Company, 135 East 42nd Street, New York 17, New York, evidenced by certificate numbered S20–17892, together with all declared and unpaid dividends and

c. That certain debt or other obligation of The Texas Company, 135 East 42nd Street, New York 17, New York, representing income and accretions on the property described in subparagraphs 2 (a) and 2 (b) hereof and arising out of the proceeds from the sale of rights applicable to capital stock issued by said Company, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees, and distributees of Julia Dora Hotz, deceased also known as Julia Dora Fries Hotz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1115; Filed, Feb. 2, 1953; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 23

Washington, Wednesday, February 4, 1953

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

Notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published on July 30, 1952, in the FEDERAL REGISTER (17 F. R. 6964). The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The amendment grants the Administrator a greater discretion in the rejection of applications for grading or inspection service and for the denial of such service to persons presently receiving the service. This amendment is deemed necessary to protect and maintain the integrity of, and public confidence in, the grading and inspection service.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the amendment hereinafter set forth is promulgated to become effective thirty (30) days following publication in the FEDERAL REGISTER.

The amendment is as follows:

1. Amend paragraph (f), § 70.6 *Applying for grading service or inspection service,* to read as follows:

(f) *Rejection of application.* Any application for grading or inspection service may be rejected by the Administrator (1) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (2) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (3) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (4) where he determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be notified promptly of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator within 10 days after notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant of the reasons for the rejection thereof.

2. Amend § 70.7 *Denial of service* to read as follows:

§ 70.7 *Denial of service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive, or fraudulent acts or practices.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of any application for any grading service or inspection service, appeal or regrading service;

(ii) The making of the product accessible for grading or inspection;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(iv) The use of the terms "United States," or "U. S." in conjunction with the grade of the product:

(v) The use of any of the aforesaid terms or an official stamp, label, or iden-

(Continued on p. 711)

CONTENTS

	Page
Agriculture Department	
See also Commodity Credit Corporation; Forest Service; Production and Marketing Administration.	
Notices:	
Oklahoma; sale of mineral interests; revised area designation	736
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Dentoni, Rosa	736
Hoffmann, Gertrud	735
Commerce Department	
See Federal Maritime Board; International Trade, Office of; National Production Authority.	
Commodity Credit Corporation	
Rules and regulations:	
1952 crop loan and purchase agreement program; support rates:	
Barley	714
Rye	714
Customs Bureau	
Rules and regulations:	
Customs financial and accounting procedure; receipts	714
Liability for duties, entry of imported merchandise; requirements on entry	714
Economic Stabilization Agency	
See Price Stabilization, Office of: Rent Stabilization, Office of.	
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Key Broadcasting System, Inc	742
Oregon Television, Inc., et al	742
Port Arthur College and Smith Radio Co	742
Television broadcast service and Hearst Radio, Inc	740
Western Union Telegraph Co	742
Western Union Telegraph Co. and RCA Communications, Inc	741
Proposed rule making:	
Stations on shipboard in the maritime services; emergency antenna on ships	732

FEDERAL REGISTER

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CONTENTS—Continued

Federal Communications Commission—Continued — Page

Proposed rule making—Continued
- Theater television service; notice of procedure and order of testimony at hearing on January 26, 1953 — 732

Rules and regulations:
- Land transportation radio services; filing of applications — 731
- Licensed operator requirements of certain standard and FM broadcasting stations and for remote control operation of such stations:
  - Commercial radio operators — 726
  - Radio broadcast services — 726
- Maritime services; stations on:
  - Land — 731
  - Shipboard — 731
- Practice and procedure; application for station license where no construction permit is required — 726

Federal Maritime Board

Notices:
- Coastwise Line; postponement of hearing on application to bareboat charter three government-owned, war-built, dry-cargo vessels for employment in the Pacific coastwise/British Columbia/Alaska Service — 736

Federal Power Commission

Notices:
- Hearings, etc.:
  - Gulf Interstate Gas Co — 743
  - Northwest Natural Gas Co. et al — 743
  - Pacific Gas and Electric Co — 744

CONTENTS—Continued

Federal Power Commission—Continued — Page

Notices—Continued
- Hearings, etc.—Continued
  - Southern California Edison Co — 743
  - Southern California Gas Co. and Southern Counties Gas Co. of California — 744
  - Washington Gas Light Co. and Prince George's Gas Corp — 744

Foreign and Domestic Commerce Bureau

See International Trade, Office of.

Forest Service

Notices:
- Beaverhead National Forest; removal of trespassing horses — 736

Internal Revenue Bureau

Rules and regulations:
- Excess profits tax; taxable years ending after June 30, 1950; consolidation of newspapers — 716
- Income tax; taxable years beginning after December 31, 1941; compensation of certain members of the armed forces; abatement of income tax for such members upon death — 714
- Labeling and advertising of distilled spirits; requirements for labeling of distilled spirits — 717

International Trade, Office of

Rules and regulations:
- Periodic requirements license; commodities subject to periodic requirements license — 713
- Positive list of commodities and related matters — 713

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Coal from Hazard district Kentucky mines to southern territory — 747
  - Petroleum products from Fullerville, Tex., to points in southwestern, southern, official, and western trunkline territories — 746
  - Vermiculite from Travelers Rest, S. C., to points in official (including Illinois) territory — 746

Justice Department

See Alien Property, Office of.

Labor Department

See Public Contracts Division.

Land Management, Bureau of

Notices:
- Specified classes of employees; redelegation of authority:
  - Region II — 734
  - Region III — 734
  - Region IV — 735
  - Region V — 735

• CONTENTS—Continued

National Production Authority — Page

Notices:
- Suspension orders; modifications:
  - Acme Packing Co. and First Call Dog Food Co — 737
  - Mardigian Corp — 736

Price Stabilization, Office of

Notices:
- Adjustment of tank wagon ceiling prices of fuel oil distributors; marketing areas:
  - Oregon; Josephine County — 747
  - Washington:
    - Walla Walla — 748
    - Yakima — 748
- Crude condensate ceiling prices adjusted on an in-line basis; South Lewisburg Field, Acadia Parish, Louisiana — 748
- Directors of regional offices; delegation of authority to act under CPR 117 — 747
- Field office locations; organizational statement — 747

Rules and regulations:
- Adjustment of ceiling prices for materials to the minimum prices fixed by State laws; sellers of cigarettes in Connecticut; ceiling prices raised to conform with minimum price law (GOR 32, SO 12) — 720
- Adjustments under industry earnings standard for machinery, related manufactured goods, and building materials; automotive lifts (GOR 42) — 724
- Castings; clarification of ceiling price which may be increased by industry earnings standard adjustment (CPR 60, SR 1); adjustment of ceiling prices for:
  - Manufacturers of malleable iron castings — 721
  - Producers of:
    - Gray iron castings — 722
    - Steel (carbon or low alloy) and manganese steel castings — 722
- Certain foods sold at wholesale; new Table A markups for Class 4 (institutional) wholesalers (CPR 14) — 717
- Exemption of certain industrial materials and manufactured goods; cut tacks and small cut nails — 719
- Machinery and related manufactured goods; adjustments under Defense Production Act of 1950; applications on an autonomous unit of your business (CPR 30, SR 4) — 720
- Malt beverages; adjustment of brewers' and wholesalers' ceiling prices (CPR 117) — 723
- Pass through for steel, pig-iron, copper and aluminum cost increases; addition of automotive lifts to Appendix C (GOR 35) — 724

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page

Rules and regulations—Continued
- Services; processing services of frozen food locker plants (CPR 34, SR 38) — 718

Production and Marketing Administration

See also Commodity Credit Corporation.

Notices:
- Mississippi State Production and Marketing Administration Committee; redelegation of final authority regarding marketing quota regulations for 1953 crop — 736

Proposed rule making:
- Regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto — 733

Rules and regulations:
- Farm land restoration program; 1953 — 711
- Fresh Bartlett pears, plums, and Elberta peaches grown in California — 712
- Milk in Greater Boston, marketing area — 712
- Regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto — 709

Public Contracts Division

Notices:
- Employment of handicapped clients by sheltered workshops; issuance of special certificates — 738

Rent Stabilization, Office of

Rules and regulations:
- Defense-rental areas; Colorado, Illinois and Kentucky:
  - Hotels — 725
  - Housing — 725
  - Motor courts — 725
  - Rooms — 725

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Interstate Power Co — 745
  - Lutts, W. Earle, and W. E. Lutts & Co — 746
  - Middle South Utilities, Inc., et al — 745

Treasury Department

See also Customs Bureau; Internal Revenue Bureau.

Notices:
- Offering of:
  - Bonds; 2½ percent Treasury bonds of 1958 — 734
  - Certificates; 2¼ percent Treasury certificates of indebtedness of Series A–1954 — 733

Wage and Hour Division

See Public Contracts Division.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter IV:	
Part 601 (2 documents)	714
Title 7	
Chapter I:	
Part 70	709
Proposed rules	733
Chapter VII:	
Part 707	711
Chapter IX:	
Part 904	712
Part 936	712
Title 15	
Chapter III:	
Part 376	713
Part 399	713
Title 19	
Chapter I:	
Part 8	714
Part 24	714
Title 26	
Chapter I:	
Part 29	714
Part 40	716
Title 27	
Chapter I:	
Part 5	717
Title 32A	
Chapter III (OPS):	
CPR 14	717
CPR 30, SR 4	720
CPR 34, SR 38	718
CPR 60, SR 1	721
CPR 60, SR 2	722
CPR 60, SR 3	722
CPR 117	723
GOR 9	719
GOR 32, SO 12	720
GOR 35	724
GOR 42	724
Chapter XXI (ORS):	
RR 1	725
RR 2	725
RR 3	725
RR 4	725
Title 47	
Chapter I:	
Part 1	726
Part 2 (proposed)	732
Part 3	726
Proposed rules	732
Part 7	731
Part 8	731
Proposed rules	732
Part 13	726
Part 16	731

tification in the labeling or advertising of any product; or

(vi) The use of the terms "Government graded," "Federal-State graded," "U. S. inspected," "Government inspected," or terms of similar import in the labeling or advertising of any product.

(2) *Use of facsimile forms.* The unauthorized use of a form which simulates in whole or in part any official certificate, stamp, label, or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) *Wilful violation of the regulations.* Any wilful violation of the regulations in this part.

(4) *Interfering with a grader or inspector.* Any interference with or obstruction of any grader or inspector in the performance of his duties by intimidation, threat, bribery, assault or any other improper means.

(5) *Misleading labeling.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling of any product without stating in the label the U. S. grade of the product as determined by an authorized grader.

(6) *Miscellaneous.* The existence of any of the conditions set forth in § 70.6 (f) constituting a basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing, direct that the benefits of the act be denied such person pending investigation and hearing. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benfits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner of the reasons for continued interim denial.

3. Delete § 70.8 *Interfering with a grader or inspector.*

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1145; Filed, Feb. 3, 1953; 8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Special Program 53)–1, Supp. 1]

PART 707—FARM LAND RESTORATION PROGRAM

SUBPART—1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act and Public Law 371,

82d Congress, the 1953 Farm Land Restoration Program, issued June 6, 1952 (17 F. R. 5306), is amended as follows:

1. Section 707.204 is amended by revising the third sentence to read as follows:

§ 707.204 *Eligible restoration practices.* * * * Only those practices which are approved for a farm by the county committee on or before December 31, 1953, and which are carried out during the period April 15, 1952, through December 31, 1953, will be eligible for assistance on the farm. * * *

2. Section 707.250 is amended by revising paragraph (j) to read as follows:

§ 707.250 *Definitions.* * * *

(j) "Program year" means the period April 15, 1952, through December 31, 1953.

3. Section 707.253 (a) is amended to read as follows:

§ 707.253. *Applicability.* (a) The provisions of this program are applicable in the following counties:

Iowa. Fremont, Harrison, Mills, Monona, West Pottawattamie, Woodbury.

Kansas. Atchison, Doniphan, Leavenworth, Wyandotte.

Minnesota. Aitkin, Benton, Brown, Carver, Dakota, Hennepin, Lac qui Parle, LeSueur, Lyon, Nicollet, Renville, Scott, Sibley, Swift, Traverse, Yellow Medicine.

Missouri. Andrew, Atchison, Boone, Buchanan, Callaway, Carroll, Chariton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Montgomery, Osage, Platte, Ray, St. Charles, St. Louis, Saline, Warren.

Montana. Blaine, Hill, Phillips, Valley.

Nebraska. Boyd, Burt, Cass, Cedar, Dakota, Dixon, Douglas, Knox, Nemaha, Otoe, Richardson, Sarpy, Thurston, Washington.

North Dakota. Billings, Burleigh, Emmons, Golden Valley, McKenzie, McLean, Mercer, Morton, Oliver, Slope, Williams.

South Dakota. Armstrong, Beadle, Bon Homme, Brookings, Brown, Brule, Buffalo, Campbell, Charles Mix, Clay, Corson, Davison, Dewey, Gregory, Hughes, Hutchison, Lyman, McCook, Minnehaha, Moody, Potter, Sanborn, Spink, Stanley, Sully, Tripp, Turner, Union, Walworth, Yankton. The provisions of this program are also applicable in the following additional counties in South Dakota, but program assistance in these counties is limited to repair or rehabilitation of livestock water dams and spillways and other structures connected with these dams: Butte, Edmunds, Faulk, Haakon, Hand, Harding, Hyde, Jones, McPherson, Meade, Perkins, Ziebach.

Utah. Box Elder, Cache, Carbon, Davis, Duchesne, Emery, Juab, Morgan, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Weber.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; Pub. Law 371, 82d Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1182; Filed, Feb. 3, 1953; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Correction

In F. R. Doc. 53–1110, appearing on page 665 of the issue for Saturday, January 31, 1953, the following change should be made:

In the thirty-first line of the second column on page 665, "$5.68" should read "$5.65".

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

MISCELLANEOUS AMENDMENTS

Notice was published in FEDERAL REGISTER issue of January 6, 1953 (18 F. R. 120), that the Department was giving consideration to the proposed amendment of the rules and regulations (7 CFR 936.100 et seq.; Subpart—Rules and Regulations; 17 F. R. 541) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the changed representation on the Elberta Peach Commodity Committee is based, so far as practicable, upon the proportionate quantity of Elberta peaches shipped from the respective districts during the preceding three seasons. The approval of the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 936.102 *Terms* and insert, in lieu thereof, the following new sections:

§ 936.102 *Elberta peaches.* "Elberta peaches" as used in this part means Regular Elbertas (also known as Rumphs, Old Elbertas, and Late Elbertas) and the following peaches, commonly referred to as strains of Elberta peaches:

(a) Early Elbertas (also known as Gleason Elbertas and Early Fays);

(b) Fay Elbertas (also known as Gold Medals and Golden Elbertas); and

(c) Burbank July Elbertas (Plant Patent No. 15) (also known as Early Elbertas, Burbank Elbertas, Burbanks, Jewels, Kim Elbertas, July Elbertas, Bodines, Brentwood Beautys, Burnetts, June Elbertas, Golden Elbertas, Mulberrys, Socalas, and California Elbertas, and by other synonyms).

§ 936.103 *Terms.* All other terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

2. Amend the provisions of § 936.117 to read as follows:

§ 936.117 *Changes in the representation of certain districts on Elberta Peach Commodity Committee.* The representation or membership on the Elberta Peach Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District;

(b) Two (2) members to represent the area included in the Tulare District and Kern District;

(c) One (1) member to represent the area included in the Stanislaus District; and

(d) One (1) member to represent all of the territory in California not included in the foregoing districts.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) meetings of growers have been scheduled for the purpose of nominating successors to the members and alternate members of the three commodity committees pursuant to §§ 936.20 through 936.23 of the amended marketing agreement and order; (2) it is essential that the aforesaid amendment be issued immediately so as to enable the Control Committee effectively to perform its duties in accordance with said amended marketing agreement and order; (3) handlers have been notified of the adoption, and recommendation to the Secretary, by said committee of the aforesaid amendment and were afforded the opportunity to submit written data, views, or arguments with respect thereto; and (4) the changes effectuated by the aforesaid amendment do not require of handlers any special preparation therefor which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 30th day of January 1953, to be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1146; Filed, Feb. 3, 1953; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chaper III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 30 [1]]

PART 376—PERIODIC REQUIREMENTS LICENSE

COMMODITIES SUBJECT TO PERIODIC REQUIREMENTS LICENSE

Section 376.51 *Supplement 1; Commodities subject to Periodic Requirements License* is amended by adding thereto the following commodities:

Dept. of Commerce Schedule B No.	Commodity
732000	Parts and accessories, n. e. c., specially fabricated for well drilling machines.
766950	Controls, regulators, indicators, meters, and timers, for ventilating, air conditioning, commercial refrigeration and air cooling equipment; and specially fabricated parts, n. e. c.
766970	Specially fabricated parts, n. e. c., for industrial indicating, recording, or controlling instruments for pressure, flow, temperature, humidity or gas analysis.
790013	Motor trucks and truck chassis, including truck tractors, gasoline (new), 5,000 pounds gross vehicle weight and under: commercial, front and rear axle drive, or multiple reat axle drive.
790023	Motor trucks and truck chassis, including truck tractors, gasoline (new), 5,000 to 10,000 pounds gross vehicle weight: commercial, front and rear axle drive, or multiple rear axle drive.
790033	Motor trucks and truck chassis, including truck tractors, gasoline (new), 10,001 to 14,000 pounds gross vehicle weight: commercial, single rear axle drive only; commercial, front and rear axle drive, or multiple rear axle drive.
790043	Motor trucks and truck chassis, including truck tractors, gasoline (new), 14,001 to 16,000 pounds gross vehicle weight: commercial, single rear axle drive ouly; commercial, front and rear axle drive, or multiple rear axle drive.
790053	Motor trucks and truck chassis, including truck tractors, gasoliue (new), 16,001 to 19,500 pounds gross vehicle weight: commercial, single rear axle drive ouly; commercial, front and rear axle drive, or multiple rear axle drive.
790063	Motor trucks and truck chassis, including truck tractors, gasoline (new), 19,501 pounds gross vehicle weight and over: commercial, single rear axle drive only; commercial, front aud rear axle drive, or multiple rear axle drive.
790083	Motor trucks and truck chassis, including truck tractors, Diesel and semi-Diesel (new), 19,500 pounds gross vehicle weight, and under: commercial, single rear axle drive only; commercial, front aud rear axle drive, or multiple rear axle drive.
790093	Motor trucks and truck chassis, iucluding truck tractors, Diesel and semi-Diesel (new), 19,501 pounds gross vehicle weight, and over: commercial, single rear axle drive only; commercial, front and rear axle drive, or multiple rear axle drive.
790553	Motor busses and bus chassis, gasoline (new): commercial, single rear axle drive only; eommercial, front and rear axle drive, or multiple rear axle drive.
790563	Motor busses and bus chassis, Diesel and semi-Diesel (new): commercial; siugle rear axle drive only; commercial, front and rear axle drive, or multiple rear axle drive.
790763	Passenger cars and chassis (new): Nonmilitary, front and rear axle drive only.
791205	Parts and accessories specifically ordered and invoiced as original equipment for passenger, eommercial, and military vehicles previously shipped (include only normal and usual parts and accessories for wbich no additional charge is being made—sucb items having heen either in sbort supply or inadvortently omitted at tbe time of the original shipment of the vehicles).

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

This amendment shall become effective as of January 29, 1953.

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 53-1181; Filed, Feb. 3, 1953; 8:55 a. m.]

[1] This amendment was published in Current Export Bulletin No. 692, dated January 29, 1953.

[6th Gen. Rev. of Export Regs., Amdt. P. L. 28 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
733950	Petroleum field production equipment, n.e.c., and specially fabricated parts, n.e.c. (specify by name) (report oil-country tubular products in 606210-606260).[1]	---	MINE	100	RO
919068★	Analytical balances, including semi-micro balances, microchemical balances, assay balances, quartz fiber microbalances, and electronic balances (excludes: torsion balances; single, double and triple beam balances; spring balances; pulp balances; and specific gravity balances).[2]	No.	SATE	None	RO

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 733950. The effect of this revision is to clarify the coverage and makes no substantive change.

[2] The above revised entry is substituted for the entry presently on the Positive List under Sebedule B No. 919068. The effect of tbis revision is to clarify the coverage aud makes no substantive chauge.

This part of the amendment shall become effective as of January 29, 1953.

2. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
	Platinum and allied metals:	
692000	Platinum ore and concentrates	25
692205	Platinum and alloys in ingots, bars, sheets, anodes and other forms, including scrap.	25
692209	Paladium, rhodium, iridium, osmiridium, ruthenium, aud osmium metal and alloys.	50
692990	Platinum manufactures, n. e. c. (including platinum-plated manufactures and platinum catalysts) (specify by name and platinum content).	25
692990	Platinum allied metal manufactures, n. e. c. (including plated) (specify by name and platinum allied metal content).	50

This part of the amendment shall become effective as of 12:01 a. m., January 29, 1953.

3. The following commodity is removed from the group of commodities excepted from the General In-Transit License (GIT) procedure (§ 371.9 (c) of this subchapter). Accordingly, the star (★) following the Schedule B number and the footnote related thereto are deleted:

Dept. of Commerce Schedule B No.	Commodity
547210	Graphite, natural: Amorphous (specify carbon content and country of origiu).

This part of the amendment shall become effective as of 12:01 a. m., January 29, 1953.

4. The following commodities are made subject to the IC/DV procedure (see § 373.34 of this subchapter) and to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter), respectively. Accordingly the letters "A" and "B" are inserted in the column headed "Commodity Lists" opposite those commodities:

Dept of Commerce Schedule B No.	Commodity
664526	Cobalt: Cobalt dental alloys (formerly 915590).

This part of the amendment shall become effective as of March 16, 1953, as to the IC/DV procedure (see § 373.34 of this subchapter); and effective as of February 28, 1953, as to the dollar-limit (DL) restrictions.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-1180; Filed, Feb. 3, 1953; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 4 to Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3771, 4834, 5713, and 7405 and containing the specific requirements for the 1952-crop Barley Price Support Program are hereby amended as follows:

Paragraph (c) of § 601.1558 *Support rates* is amended by changing the basic county support rates as follows:

a. Union County, New Mexico, is changed from $1.08 per bushel to $1.12 per bushel.

b. Sarpy County, Nebraska, is changed from $1.23 per bushel to $1.28 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of January 1953.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F R. Doc. 53-1184; Filed, Feb. 3, 1953; 8:56 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supplement 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3777, 4835 and 7959, and containing the specific requirements for the 1952-Crop Rye Price Support Program are hereby amended as follows:

Paragraph (c) of § 601.1908 *Support rates* is amended by adding to the list of basic county support rates county names and rates as follows:

County:	*Rate per bushel*
Dolores County, Colo	$1.01
Clark County, Kans	1.36
Greeley County, Kans	1.35
Thomas County, Kans	1.36
Wichita County, Kans	1.35
Coryell County, Tex	1.44

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of January 1953.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1186; Filed, Feb. 3, 1953; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53190]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REQUIREMENTS ON ENTRY; RECEIPTS

1. The keeping of entry records on customs Form 5101 serves little or no purpose in some districts. However, in other districts the keeping of these records serves a useful purpose. In order that collectors may dispense with the maintenance of files of customs Form 5101 for use as a memorandum entry record at ports where such records are not needed, the requirement that the importer prepare and present a copy of such form shall be at the discretion of the collector. Accordingly, and in order that pertinent regulations may be under appropriate subject matter, § 8.8 of the Customs Regulations of 1943 (19 CFR 8.8), as amended, is hereby further amended by redesignating paragraphs (c), (d), (e), (f), (g), and (h), as paragraphs (d), (e), (f), (g), (h), and (i), respectively, and inserting a new paragraph (c) to read as follows:

§ 8.8 *Requirements on entry.* * * *

(c) When required by the collector as a memorandum entry record for purposes of local administration, a copy of customs Form 5101 shall be prepared and presented by the importer with each formal or appraisement entry, except those covering shipments declared to be for more than one actual owner.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

2. To conform to the amendment of § 8.8 of the regulations (19 CFR 8.8), and to eliminate duplication of matter now contained in § 25.16 of the regulations (19 CFR 25.16), § 24.9 of the Customs Regulations of 1943 (19 CFR 24.9), as amended, is hereby further amended to read as follows:

§ 24.9 *Receipts.* When an importer desires a receipt for duties or taxes paid on a formal or appraisement entry, he shall prepare and present with the entry a copy of customs Form 5101, for such purpose.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 28, 1953.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1171; Filed, Feb. 3, 1953; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5976; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPENSATION OF CERTAIN MEMBERS OF THE ARMED FORCES; ABATEMENT OF INCOME TAX FOR SUCH MEMBERS UPON DEATH

On December 13, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by sections 305 and 334 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 11340). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (13)-1 the following:

SEC. 305. COMPENSATION OF CERTAIN MEMBERS OF THE ARMED FORCES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (13).* Section 22 (b) (13) (relating to exclusion from gross income of compensation of certain members of the armed forces) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Enlisted personnel.* Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member—

(i) Served in a combat zone after June 24, 1950, and prior to January 1, 1954, or

(ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone prior to January 1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.

(B) *Commissioned officers.* So much of the compensation as does not exceed $200 received for active service as a commissioned

officer in the armed forces of the United States for any month during any part of which such officer—

(i) Served in a combat zone after June 24, 1950, and prior to January 1, 1954, or

(ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone prior to January 1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.

(b) *Definition of service in combat zone.* Clause (iii) of section 22 (b) (13) (C) is hereby amended by striking out "such zone; and" and inserting in lieu thereof "such zone, except that June 25, 1950, shall be considered the date of the commencing of combatant activities in the combat zone designated in Executive Order 10195; and".

* * * * *

(d) *Effective dates.* The amendments made by subsections (a) and (b) shall be applicable to taxable years ending after June 24, 1950. * * *

PAR. 2. Section 29.22 (b) (13)–2, as added by Treasury Decision 5832, approved March 8, 1951, is hereby amended as follows:

(A) By changing the headnote and paragraphs (a) and (b) thereof to read as follows:

§ 29.22 (b) (13)–2 *Compensation of members of the armed forces of the United States for service in a combat zone after June 24, 1950, and prior to January 1, 1954, or for service while hospitalized as a result of such combat-zone service.* In addition to the exemptions and credits otherwise applicable, section 22 (b) (13) provides that there shall be excluded from gross income:

(a) Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone.

(b) In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving: *Provided,* That during all of such month there are combatant activities in some combat zone, so much of such compensation as does not exceed $200.

The exclusions under section 22 (b) (13) and this section are applicable only if active service is performed in a combat zone after June 24, 1950, and prior to January 1, 1954. Compensation is subject to exclusion whether or not it is received outside a combat zone or while the recipient is hospitalized or in a year (including a year after 1953) different from that in which the service was rendered for which the compensation is paid. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 22 (b) (13), as an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone (except that the date June 25, 1950, in the combat zone designated in Executive Order 10195, shall be considered the date of the commencing of combatant activities in such zone) and on or before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. If a member of the armed forces serves in a combat zone or is hospitalized for any part of a month, he is entitled to the exclusion for such month to the same extent as if he had served in such zone, or had been hospitalized, for the entire month.

(B) By adding after the first undesignated paragraph following paragraph (b) thereof the following:

If an individual is hospitalized for a wound, disease, or injury while serving in a combat zone, the wound, disease, or injury will, unless the contrary clearly appears, be presumed to have been incurred while serving in a combat zone. In certain cases, however, a wound, disease, or injury may have been incurred while serving in a combat zone even though the individual was not hospitalized for it while so serving. And, in exceptional cases, a wound, disease, or injury will not have been incurred while serving in a combat zone even though the individual was hospitalized for it while so serving.

These principles may be illustrated by the following examples:

Example (1). An individual is hospitalized in a combat zone for a specific disease after having served in such zone for three weeks. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in the combat zone.

Example (2). The facts are the same as in example (1) except that the incubation period is one year. Such disease was not incurred while serving in the combat zone.

Example (3). A member of the Air Force, stationed outside the combat zone, is shot while participating in an aerial flight over the combat zone, but is not hospitalized until he returns to his home base. Such injury was incurred while serving in a combat zone.

Example (4). An individual is hospitalized for a specific disease three weeks after having departed from a combat zone. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in a combat zone.

An individual is hospitalized only until such time as his status as a hospital patient ceases by reason of his discharge from the hospital.

PAR. 3. There is inserted immediately following § 29.153–4, as added by Treasury Decision 5838, approved April 17, 1951, the following:

SEC. 334. ABATEMENT OF INCOME TAX FOR CERTAIN MEMBERS OF ARMED FORCES UPON DEATH (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Supplement D of chapter 1 of the Internal Revenue Code (relating to returns and payment of tax) is hereby amended by adding at the end thereof the following new section:

SEC. 154. INCOME TAXES OF MEMBERS OF ARMED FORCES UPON DEATH.

In the case of any individual who dies after June 24, 1950, and prior to January 1, 1954, while in active service as a member of the Armed Forces of the United States, if such death occurred while serving in a combat zone (as determined under section 22 (b) (13)) or as a result of wounds, disease, or injury incurred while so serving—

(a) The tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950; and

(b) The tax under this chapter and under the corresponding title of each prior revenue law for taxable years preceding those specified in clause (a) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 29.154–1 *Abatement of income taxes of certain members of the armed forces of the United States upon death.* (a) If an individual dies after June 24, 1950, and prior to January 1, 1954, while in active service as a member of the armed forces of the United States, and such death occurs while serving in a combat zone, as determined under section 22 (b) (13), or at any place as a result of wounds, disease, or injury incurred while so serving, then:

(1) The tax liability of such individual under chapter 1 for the taxable year ending on the date of his death, or for any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950, is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated, and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(2) That amount of tax of such individual for taxable years preceding those specified in subparagraph (1) of this paragraph under chapter 1, or corresponding provisions of prior revenue laws, which remains unpaid as of the date of death shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated, and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

(b) If such an individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 154 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax com-

puted upon the separate income of such individual is of the sum of the taxes computed upon the separate income of such individual and his spouse, but with respect to taxable years ending prior to June 24, 1950, and with respect to taxable years ending prior to the first day such individual served in a combat zone, as determined under section 22 (b) (13), the amount so abated, credited, or refunded shall not exceed the amount unpaid at the date of death. For such purpose, the separate tax of each spouse shall be the tax computed under chapter 1 before the application of sections 32, 35, and 322 (a), but after the application of section 31, as if such spouse were required to make a separate return.

(c) If such an individual and his spouse filed a joint declaration of estimated tax for the taxable year ending with the date of his death, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, in such manner as his legal representative and such spouse may agree. Should they agree to treat such estimated tax, or any portion thereof, as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of his death.

(d) For the purpose of determining the tax which is unpaid at the date of death, any amounts deducted and withheld under subchapter D of chapter 9 constitute payment of a tax imposed under chapter 1.

(e) This section shall have no application whatsoever with respect to the liability of an individual as a transferee of property of a taxpayer where such liability relates to the tax imposed upon the taxpayer by chapter 1.

(f) As to what constitutes active service as a member of the armed forces, service in a combat zone, and wounds, disease, or injury incurred while serving in a combat zone, see § 29.22 (b) (13)–2. As to who are members of the armed forces, see § 29.3797–11.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: January 29, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1172; Filed, Feb. 3, 1953; 8:52 a. m.]

[T. D. 5978; Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CONSOLIDATION OF NEWSPAPERS

On December 4, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10973) to amend Regulations 130 (26 CFR Part 40). No objections to the rules proposed having been received within the thirty days following publication, such regulations are hereby amended by inserting immediately after § 40.459 (b)–1 (b) the following:

SEC. 518. CONSOLIDATION OF NEWSPAPERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 and 517 of this act, is hereby amended by adding after subsection (b) thereof the following new subsection:

(c) *Consolidation of newspaper operations.* In the case of a taxpayer engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950, if—

(1) After the close of the first half of the base period of the taxpayer and prior to July 1, 1950, the taxpayer consolidated its mechanical, circulation, advertising, and accounting operations in connection with its newspaper publishing business with such operations of another corporation engaged in the newspaper publishing business in the same area; and

(2) The taxpayer establishes to the satisfaction of the Secretary that, during the period beginning with the consolidation and ending with the close of the first taxable year beginning after the consolidation, such consolidation resulted in substantial reductions in the amounts which would otherwise have been paid or incurred as expenses in the conduct of the operations described in paragraph (1); and either

(3) The total deductions of the taxpayer under section 23, computed without regard to section 23 (s) and (bb), for the first taxable year beginning after such consolidation were not in excess of 80 per centum of the average of such deductions for the two taxable years of the taxpayer next preceding the taxable year in which such operations were consolidated; or

(4) The excess profits net income of the taxpayer, computed as provided in section 433 (b), for the first taxable year of the taxpayer beginning after such consolidation was 125 per centum or more of the amount determined under section 435 (d) (4);

the taxpayer's average base period net income determined under this subsection shall be an amount computed under section 435 (d) plus an amount equal to the excess of the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) during the two taxable years of the taxpayer next preceding the taxable year in which such operations were consolidated over such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation. In determining such excess amount proper adjustment shall be made for increase in labor costs and newsprint following such consolidation. Proper adjustment shall also be made for any case in which a taxable year referred to in this subsection is a period of less than twelve months. This subsection shall not be applicable to any taxable year of the taxpayer unless the consolidation described in paragraph (1) was continued throughout such taxable year.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 518) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (c)–1 *Consolidation of newspapers.* (a) A taxpayer which was engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950, which after the close of the first half of its base period and before July 1, 1950, consolidated certain of its operations with those of another corporation engaged in the same business in the same area, and which satisfies all the requirements set forth in paragraphs (1) and (2) and in either paragraph (3) or paragraph (4) of section 459 (c) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (c) instead of under any other applicable provision of the Code. The average base period net income may be computed under section 459 (c) in determining the excess profits tax for any taxable year, however, only if the consolidation described in paragraph (1) of section 459 (c) was continued throughout such taxable year. The average base period net income computed under section 459 (c) shall be used in computing the taxpayer's excess profits tax for any taxable year if, and only if, the use of such average base period net income computed under section 459 (c) results in a lesser excess profits tax than would result from any other allowable computation of such tax.

(b) If the taxpayer is to compute its average base period net income under section 459 (c), it must establish to the satisfaction of the Commissioner, under the provisions of paragraph (2) of section 459 (c), that the consolidation referred to in paragraph (1) of section 459 (c) resulted in substantial reductions in the amounts which otherwise would have been paid or incurred as expenses (within the meaning of section 23 (a) (1) (A)) in the conduct of the operations described in paragraph (1) of section 459 (c) during the period beginning with such consolidation and ending with the close of the first taxable year beginning after such consolidation. If the taxpayer first claims the benefits of section 459 (c) on its return or on an amended return or in a claim for refund, it must attach a statement to such return or amended return or claim for refund containing sufficient information to enable the Commissioner to determine whether the requisite substantial reductions in expenses occurred.

(c) The taxpayer must satisfy the conditions of either paragraph (3) or paragraph (4) of section 459 (c) in order to be allowed to compute its average base period net income under section 459 (c). Under the provisions of paragraph (4), the excess profits net income of the taxpayer, computed as provided in section 433 (b), for its first taxable year beginning after the consolidation described in paragraph (1) of section 459 (c) must be 125 percent or more of the amount determined under section 435 (d) (4), which relates to the computation of the average base period net income under the general average method. Section 433 (b) provides for the computation of excess profits net income for taxable years in the base period for the purpose of computing average base period net income. For the purpose of the test set forth in paragraph (4) of section 459 (c), however, the excess profits net income for the first taxable year of the taxpayer beginning after the consolidation shall be computed in the manner provided in section 433 (b) without regard to

whether or not such first taxable year is a taxable year in the base period.

(d) (1) The average base period net income computed under section 459 (c) shall be the sum of the following two amounts:

(i) The amount computed under section 435 (d) (relating to the computation of average base period net income under the general average method); and

(ii) An amount equal to the amount by which the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) of section 459 (c) during the two taxable years of the taxpayer immediately preceding the taxable year in which the consolidation described in paragraph (1) of section 459 (c) occurred exceeded such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation.

(2) In determining the excess amount described in subdivision (ii) of subparagraph (1) of this paragraph, proper adjustment shall be made for any increase in the cost per unit of labor or newsprint, due to wage or price increases, following such consolidation. If the taxpayer can show by relevant data and under generally accepted principles of accounting that its average unit costs of labor or newsprint in its first taxable year beginning after the consolidation were higher, due to wage or price increases, than its average unit costs of labor or newsprint in its two taxable years immediately preceding the taxable year in which the consolidation took place, then the amount specified in subdivision (ii) of subparagraph (1) of this paragraph shall be determined by substituting for the costs of labor or newsprint in such first taxable year amounts determined on the basis of its average unit costs of labor or newsprint in such two taxable years immediately preceding the taxable year in which the consolidation occurred.

(3) If the first taxable year beginning after the consolidation described in section 459 (c) (1) or if either of the two taxable years immediately preceding the taxable year in which such consolidation occurred is a taxable year of less than 12 months, then, in determining the amount specified in subdivision (ii) of subparagraph (1) of this paragraph, the amounts paid or incurred as expenses in such taxable year in the conduct of the operations described in paragraph (1) of section 459 (c) shall be such amounts as would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A). Similarly, if the first taxable year beginning after the consolidation or either of the two taxable years immediately preceding the taxable year in which the consolidation occurred was a taxable year of less than 12 months, then in determining whether the taxpayer meets the requirement set forth in paragraph (3) of section 459 (c) the total deductions of the taxpayer referred to in such paragraph (3) for such short taxable year shall be the amount which would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A). If the first taxable year beginning after the consolidation was a taxable year of less than 12 months, the excess profits net income for such short taxable year shall also be annualized under the method set forth in section 433 (a) (2) (A). In each case proper adjustment shall be made to prevent distortion with respect to nonrecurring items.

(4) If the average base period net income is computed under section 459 (c) and this section for the purpose of determining the excess profits tax for any taxable year, the base period capital addition provided in section 435 (f) shall not be allowed in determining such tax for such year.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: January 28, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1174; Filed, Feb. 3, 1953; 8:53 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[T. D. 5977; Regs. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

LABELING; NAME AND ADDRESS

Notice of public hearing to be held in Washington, D. C., on December 19, 1952, with respect to certain proposals to amend Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on December 3, 1952 (17 F. R. 10908).

Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to section 35 (27 CFR 5.35) are hereby adopted:

1. By deleting the present paragraphs (a) and (b) of § 5.35, and inserting in lieu thereof the following new paragraph (a):

(a) *"Bottled by".* On labels of domestic distilled spirits, there shall be stated the phrase "bottled by", immediately followed by the name (or trade name) of the bottler and the place where such distilled spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided,* That the state of distillation is stated as provided by paragraph (e) of this section: *Provided further:*

(1) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name (or trade name) and address, the phrase "distilled by", followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(2) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name (or trade name) and address, the phrases "blended by", "made by", "prepared by", "manufactured by", or "produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier.

2. By redesignating the present paragraph (c) as paragraph (b) and by amending the phrase "by paragraphs (a) and (b)" in the first sentence of paragraph (c) (4) to read "by paragraph (a)".

3. By deleting paragraphs (d) and (e) and inserting in lieu thereof a new paragraph (c) as follows:

(c) *"Bottled for".* In addition to the requirements of paragraphs (a) and (b) of this section, there may also be stated the name and address of the person for whom the distilled spirits are bottled, immediately preceded by the words "bottled for" or "distributed by", or other similar statement.

4. By redesignating the present paragraphs (f), (g), and (h) as paragraphs (d), (e), and (f), respectively.

These amendments relieve restrictions presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

(53 Stat. 375, 26 U. S. C. 3176)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: January 28, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1173; Filed, Feb. 3, 1953; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 19]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

NEW TABLE A MARKUPS FOR CLASS 4 (INSTITUTIONAL) WHOLESALERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 19 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

The original statement of considerations accompanying CPR 14 contained

a statement that "At the present time, the best markups available are those which were used by the OPA in issuing MPR's 421, 422 and 423, and which were in effect from 1943–1946. In order to act now, the Director of Price Stabilization has generally employed these markups for most food categories for most distributors. The Office of Price Stabilization is now organizing a study of margin and earning figures for food distributors in order to obtain more recent comprehensive data. If the study should indicate that the ceiling prices established under this regulation are either too low or too high, the regulation will be promptly revised to reflect the results of the survey."

The Food Margin Survey was therefore originally planned to carry out this statement of policy.

The Defense Production Act was subsequently amended by the addition of the "Herlong" amendment to require that price control regulations allow wholesalers and retailers "* * * their customary percentage margins over costs of the materials or their customary charges during the period May 24, 1950, to June 24, 1950 * * *".

The Food Margin Survey has now been completed, and the data analyzed.

For Class 4 (Institutional) Wholesalers the data show that in order to meet the Herlong requirement, a new set of Table A markups must be substituted for those presently provided. However, for other classes of wholesalers the present markups are shown by the data to meet the requirements of the Herlong amendment.

Certain categories of dry groceries have been decontrolled or suspended, and therefore, although, in the light of the survey, new markups might be indicated for these categories, they do not appear in this amendment.

In formulating this amendment, the Director of Price Stablization has consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations. This consultation included discussions with the Industry Advisory Committee. In the judgment of the Director the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 35, paragraph (a), Table A, is revised to read as follows:

TABLE A—MARKUP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

[Figures to be multiplied by net cost]

Food commodities	Class 1 Retailer-owned cooperatives	Class 2 Cash and carry	Class 3 Service and delivery	Class 4 Institutional
1. Baby foods	1.06	1.085	1.135	1.185
2. Cereals, breakfast	1.035	1.06	1.08	1.13
3. Cocoa, chocolate, and cereal drink preparations	1.07	1.085	1.125	1.19
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal and hominy	1.055	1.085	1.12	1.30
6a. Flour mixes	1.055	1.085	1.12	1.20
7. Dog and cat foods	1.06	1.09	1.105	1.105
8. Fish, processed	1.095	1.13	1.19	1.20
9. Flour	1.07	1.075	1.10	1.15
10. Frozen foods	1.24	1.24	1.24	1.29
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.185
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices [1]				
13. Fruits, dried and dehydrated [1]				
14. Gelatin and pudding mixtures	1.06	1.07	1.105	1.21
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.31
16. Lard, pure	1.035	1.035	1.075	1.18
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.225
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.285
19. Meat, canned	1.055	1.08	1.10	1.18
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oils, cooking and salad	1.07	1.075	1.10	1.15
22. Oleomargarine	1.045	1.085	1.14	1.075
23. Pickles and relishes [1]				
24. Rice	1.075	1.095	1.13	1.24
25. Shortening, hydrogenated	1.045	1.045	1.06	1.10
26. Shortening, other	1.045	1.045	1.06	1.10
27. Soups, canned	1.045	1.07	1.09	1.165
28. Soups, dehydrated	1.06	1.105	1.13	1.25
29. Spices [1]				
30. Syrups	1.07	1.10	1.115	1.25
31. Tea	1.06	1.095	1.115	1.30
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	1.07	1.14	1.20	1.25
33. Corn, green beans, peas, tomatoes and tomato juice (canned) [1]				
34. Vegetables, dried and dehydrated [1]				
35. Vinegar	1.12	1.16	1.23	1.35
36. Miscellaneous foods	1.11	1.15	1.20	1.28

[1] All commodities in this category are excluded from price control.

2. Section 35, paragraph (b) (6) is revised to read as follows:

(6) "Corn meal and hominy" means corn meal, corn grits, hominy, hominy grits, hominy flakes and prepared hominy. Not included in this definition is canned hominy, which is in "Vegetables and vegetable juices, canned".

3. Section 35, paragraph (c) (6) is revised to read as follows:

(6) "Corn meal and hominy". Excluded are: None.

4. Section 35, paragraph (d) (6) is revised to read as follows:

(6) "Corn meal and hominy". Excluded are: Water ground corn meal.

5. Section 35, paragraph (b) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to read as follows:

(6a) "Flour mixes" means flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to prepared pancake, biscuit, pie crust, and gingerbread mix and any item containing ingredients to prepare crust and filling for pies.

6. Section 35, paragraph (c) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to read as follows:

(6a) "Flour mixes". Excluded are: None.

7. Section 35, paragraph (d) is amended by adding after subparagraph (6) a new subparagraph, category (6a), to read as follows:

(6a) "Flour mixes". Excluded are: None.

(Sec. 704.64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53–1217; Filed, Feb. 2, 1953; 4:00 p. m.]

CPR 34—SERVICES

SR 38—PROCESSING SERVICES OF FROZEN FOOD LOCKER PLANTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 38 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 38 to Ceiling Price Regulation 34 authorizes operators of frozen food locker plants to increase complete processing service charges to ultimate consumers for the processing of meats. It permits these sellers to increase their ceiling prices, otherwise determined pursuant to Ceiling Price Regulation 34, by one cent per pound for the service of completely processing customer-owned carcasses and wholesale cuts of beef, veal, pork and lamb.

The action taken herein is necessary because of a substantial decline since the base period (December 19, 1950, to January 25, 1951, inclusive) in the prices received by locker plant operators from the sale of inedible meat by-products. The charges for processing meats owned by the customer have always been augmented by revenue derived from the sales of suet, fat, bones and other by-products left over from the cutting and trimming of meats. This additional revenue is

considered by the industry as a part payment for the rendering of processing services.

Information available to the Office of Price Stabilization indicates that the present market prices received by locker plant operators for the sale of inedible meat by-products are in the average below the base period market prices resulting in a substantial decrease in income to the frozen food locker plant industry for processing services. The increase of one cent a pound permitted by this supplementary regulation, which is uniformly applicable to all locker plant processors, is determined to be the minimum increase necessary to assure the continued supply of essential processing services at prices which are fair and equitable to both the industry and the consumer.

The authorized price increase may be utilized by locker plant operators only where carcasses, including sides, quarters and wholesale cuts of meat are completely processed. The complete processing service must consist of such component services as chilling, cutting, wrapping, labelling and freezing. No increase in present ceiling prices may be obtained under this supplementary regulation for these services singly. Further, no increases in prices are permitted for the processing of retail or fabricated cuts of meat, specialty products, lard rendering, curing or smoking, or the processing in any form of game, poultry, fish, fruits and vegetables.

This supplementary regulation does not permit frozen food locker plant operators to increase present wholesale and retail ceiling prices of meats established under other OPS regulations, nor does it apply to processing services rendered by commercial storage plants, meat packers, stockyards and slaughterers.

Since this supplementary regulation is designed to compensate locker plant operators for reduced overall processing service charges caused by a decline in the selling prices of meat by-products rather than the impairment of normal pre-Korean earnings, the affected sellers are not precluded from making use of the individual adjustment provisions of section 20 of Ceiling Price Regulation 34.

In the formulation of this supplementary regulation, the Director has consulted extensively insofar as practicable with representative suppliers of these services, including representatives of trade associations and the Department of Agriculture, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increase permitted by this supplementary regulation is necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Filing.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Purpose.* The purpose of this regulation is to permit frozen food locker plants (see definition in section 5 (3)) to increase service charges by one cent per pound for the complete processing of meats.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of CPR 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in full force and effect.

SEC. 3. *Ceiling prices.* (a) If you operate a frozen food locker plant you may increase your ceiling prices established under sections 5, 6 or 7 of Ceiling Price Regulation 34, as amended, by one cent per pound for the service of completely processing customer owned carcasses, including sides, quarters, and wholesale cuts of beef, veal, pork and lamb.

(b) This increase in ceiling prices of one cent per pound is in lieu of, and not in addition to, any other increase over the dollar and cent element of the ceiling price formula for your complete processing services to which you might otherwise be entitled under Ceiling Price Regulation 34 by reason of the decrease since the base period in the price you receive for any meat by-products as part of your compensation for the services you render. For example, if during the base period, your locker plant rendered a complete processing service at a price of 4 cents a pound to your customers plus all non-edible meat by-products with a base period resale value of 2 cents a pound, for a total of 6 cents, and currently you can realize an average resale value of by-products of only 1 cent a pound, you may under this regulation increase the price to your customers from 4 cents to 5 cents a pound plus the non-edible meat by-products for a similar total of 6 cents a pound. You may not, however, increase the price charged your customers for complete processing services by more than one cent a pound even though your realization for any meat by-products has declined since the base period.

SEC. 4. *Filing.* Within 10 days after establishing your ceiling prices under this regulation, you must prepare and file a statement with the appropriate district office of the Office of Price Stabilization, in accordance with section 18 (c) of Ceiling Price Regulation 34.

SEC. 5. *Definitions.* As used in this supplementary regulation to Ceiling Price Regulation 34:

(a) "Complete processing" is your complete custom processing service applied to beef, veal, pork, and lamb, and which includes such operations as chilling, cutting, wrapping, labelling, freezing, and in addition, any other operation as you customarily performed (ageing, grinding, boning, etc.).

(b) "Carcasses", "sides", "quarters", and "wholesale cuts" are defined and described in the following OPS commodity regulation: For beef see Appendix 2 of CPR 24, Collation 2; Appendix 3 of CPR 25, Revised; for pork see Appendix 2 of CPR 74; for lamb see Appendix 2 of CPR 92, Collation 1; and for veal see Appendix 2 of CPR 101.

(c) "Frozen food locker plants" include any establishments which primarily offer frozen food storage service in individual lockers, and provide complete custom processing services on meat owned by customers.

Effective date. This supplementary regulation shall become effective February 7, 1953.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53–1218; Filed, Feb. 2, 1953; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 32]

GOR 9—EXEMPTION OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF CUT TACKS AND SMALL CUT NAILS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 32 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of cut tacks and small cut nails.

Cut tacks and small cut nails are cut from sheet steel but, unlike wire tacks and nails, they are not usually produced by steel mills. There are about ten companies which include cut tacks and small cut nails among their product lines, but the tacks and nails constitute only a small percentage of the total production by these manufacturers of fasteners of various kinds, such as wire tacks and nails, wire staples, grommets, eyelets and the like. In fact, total volume amounts only to about $8,000,000 annually, and has been gradually declining for a number of years because of the development and increasing use of these other types of fasteners.

Cut tacks and small cut nails do not enter significantly into the cost of living nor do their prices have any noticeable effect on current industrial costs. It has been estimated that cut tacks and small cut nails account for less than one-fourth of 1 percent of the costs of any consuming industry.

Control of an item of such relative unimportance involves administrative difficulties disproportionate to the benefits to be derived from the retention of ceiling prices. Furthermore, because of the competition of other types of fasteners such as wire tacks and nails, it is anticipated that any upward movement of the prices of cut tacks and small cut

nails which may result from decontrol will be within reasonable limits.

As is plain from the foregoing, this action does not apply to wire tacks or wire nails.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Section 2 (a) is amended by adding thereto a new subparagraph numbered (32) and reading as follows:

(32) *Sales of cut tacks and small cut nails.* "Cut tacks and small cut nails" are those tacks and nails cut from sheet steel known as tack plate, and described in the tables contained in "Cut Tacks and Small Cut Nails, Simplified Practice Recommendation R47-49," approved February 1, 1949, and issued by the United States Department of Commerce.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 32 to General Overriding Regulation 9 is effective February 2, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1214; Filed, Feb. 2, 1953; 2:23 p. m.]

[General Overriding Regulation 32, Special Order 12]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 12—SELLERS OF CIGARETTES IN CONNECTICUT

CEILING PRICES RAISED TO CONFORM WITH CONNECTICUT MINIMUM PRICE LAW FOR CIGARETTES

Statement of considerations. This special order raises the ceiling prices of Connecticut cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged for cigarettes by Part III of Chapter 98 of the Connecticut General Statutes, as amended (hereinafter referred to as the Connecticut Law). This action does not presently affect ceiling prices of Connecticut cigarette sellers which are at or above the minimum prices required by that act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Connecticut Law in the event of a change in the minimum prices computed pursuant to that Law and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Connecticut.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Tax Commissioner for the State of Connecticut that the Connecticut Law was in effect and enforced on June 30, 1952, and on December 15, 1952 (the date of application); that the Connecticut Law has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Connecticut are lower than the minimum sales prices required to be charged by that Law.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to Part III of Chapter 98 of the Connecticut General Statutes, as amended up to June 30, 1952 (hereinafter referred to as the Connecticut Law), which are below the minimum sales prices computed pursuant to that Law are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Connecticut on December 15, 1952 (the date of application by the Connecticut State Tax Commissioner), have increased after that date pursuant to the Connecticut Law such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Connecticut State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Connecticut Law whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Connecticut on December 15, 1952, are decreased after that date pursuant to the Connecticut Law ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Connecticut after December 15, 1952, the cigarette sellers subject to the Connecticut Law who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Connecticut Law. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Connecticut State Tax Commissioner by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Connecticut Law and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Connecticut Law whose ceiling prices would be affected by the Connecticut State Tax Commissioner's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Connecticut Law upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective February 3, 1953.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1215; Filed, Feb. 2, 1953; 2:23 p. m.]

[Ceiling Price Regulation 30, Amdt. 6 to Supplementary Regulation 4]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 4—ADJUSTMENTS UNDER SECTION 402 (D) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

APPLICATIONS ON AN AUTONOMOUS UNIT OF YOUR BUSINESS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Supplementary Regulation 4 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

As originally issued, a manufacturer was authorized under the provisions of section 16 of Supplementary Regulation 4, to apply for an adjustment of his Ceiling Price Regulation 30 ceiling prices for commodities produced in a separate unit of his business for which he regularly maintained separate production, sales and other records, provided that no more than 10 percent of this dollar sales of commodities produced in that unit fall in the same industrial classification as commodities representing 10 percent or more of his sales of any other unit. Amendment 1 to SR 4 authorized a manufacturer who is unable to meet the latter qualification, to apply for permission to file for a unit of his business when the industrial classification which includes the commodities involved is a "catch-all" classification for commodities "not elsewhere classified."

The attention of the Director has been called to the fact that a number of other industrial classifications, for example, "Motor Vehicle parts and accessories," are fully as comprehensive as the "not elsewhere classified" classification and that, as a result, many manufacturers are precluded from filing for individual units of their business which they historically operate as autonomous entities.

Accordingly, this amendment authorizes a manufacturer to apply to the Director for permission to file an application under SR 4 covering the ceiling prices of commodities produced in a particular unit of his business even when the commodities produced in that unit fall in the same industrial classification as commodities produced in another unit. In order for approval to be granted to file for such units, the manufacturer must establish in his application that the management of the unit exercises independent authority in making administrative decisions, determining their own production, pricing and sales policies, and, in fact, operating autonomously.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to Ceiling Price Regulation 30 is amended in the following respects:

Paragraph (c) of section 16 is amended to read as follows:

(c) The Director of Price Stabilization may permit you to apply separately for a separate production unit of your business, even though more than 10 percent of the total sales of the commodities produced in this unit during the 1950 fiscal year are commodities in the same industrial classification as commodities representing 10 percent or more of the total dollar sales of any other unit during the same period. You may do this wherever either (1), the industrial classification which includes these commodities is one whose description includes the words "not elsewhere classified," or (2), it has been your historical practice to permit the management of that unit to operate autonomously. In either of these situations, you may file an application as provided by paragraph (b) of this section. If your application covers situation (1), involving commodities falling in an industrial classification containing the words "not elsewhere classified," your application must include, in addition to the information requested in subparagraph (1) of paragraph (b), the following information: A specific reference to this paragraph; a list of the commodities included in the relevant industrial classification which are produced in the unit of your business for which you wish to file a separate application; a list of the commodities in the relevant industrial classification which are produced in other units of your business indicating the units in which each is produced and the proportion that the sales of such commodities represent of the total sales of the unit in which they were produced in your 1950 fiscal year. (Where more than one commodity is involved, you need not state the proportion of the unit's sales represented by each commodity, but only the proportion of the unit's sales represented by all the commodities in the same industrial classification.) If your application covers situation (2), involving an autonomous unit of your business, your application must include, in addition to the information requested in subparagraph (1) of paragraph (b), a statement whether the management of the unit customarily exercises independent authority in making administrative decisions. Your management will be considered to be exercising independent authority in making administrative decisions if they are responsible for determining policy relating to production, sales and pricing, purchases and inventories, sales contracts, relations with governmental agencies, and compliance with all laws affecting the operation of the unit.

Effective date. This amendment shall become effective February 7, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1250; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 1 to Supplementary Regulation 1]

CPR 60—CASTINGS

SR 1—ADJUSTMENT IN CEILING PRICES FOR MANUFACTURERS OF MALLEABLE IRON CASTINGS

CLARIFICATION OF CEILING PRICE WHICH MAY BE INCREASED BY INDUSTRY EARNINGS STANDARD ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1, Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 1 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 1 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 1, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR) 35 and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

Sections 1 and 2 of SR 1 to CPR 60 state that the Industry Earnings Standard adjustment of 6.2 percent permitted by that regulation is to be applied to ceiling prices established under CPR 60. However, that adjustment was found to be necessary to meet the Industry Earnings Standard on the basis of current ceiling prices. Therefore, it is apparent that the adjustment is required to meet the standard whether current ceiling prices are those established solely under CPR 60, or whether they represent ceiling prices originally established under CPR 60 and subsequently adjusted pursuant to the Capehart Amendment to the Defense Production Act of 1950, as amended (section 402 (d) (4)) and the regulations issued pursuant thereto (GOR 20 and GOR 21), or pursuant to any other OPS adjustment regulation, such as GOR 10 or GOR 29. However, the 6.2 percent Industry Earnings Standard adjustment may not be applied to CPR 60 ceiling prices as adjusted under GOR 35. The 6.2 percent increase must be applied to current ceiling prices before they are adjusted under GOR 35. The reason for this is that GOR 35 was intended to give a dollars-and-cents pass-through of metal cost increases and the application of a percentage factor to the CPR 60 ceiling prices as adjusted under GOR 35 would result in a ceiling price reflecting more than the dollars-and-cents metal cost increase.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 1 to CPR 60 is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of malleable iron castings to increase the ceiling prices of such castings which were in effect immediately before the effective

date of this supplementary regulation by 6.2 percent.

2. Section 2 of SR 1 to CPR 60 is amended to read as follows:

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of malleable iron castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 6.2 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 6.2 percent. The ceiling prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 1 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 6.2 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1251; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 1, Supplementary Regulation 2]

CPR 60—CASTINGS

SR 2—ADJUSTMENT IN CEILING PRICES FOR PRODUCERS OF STEEL (CARBON OR LOW ALLOY) AND MANGANESE STEEL CASTINGS

CLARIFICATION OF CEILING PRICE WHICH MAY BE INCREASED BY INDUSTRY EARNINGS STANDARD ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 2, Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 2 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 2, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR) 35) and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

The basis for this amendment to Supplementary Regulation 2 is the same as that for Amendment 1 to SR 1 to CPR 60 and the Statement of Considerations thereto is equally applicable to this amendment.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 2 to CPR 60 is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of steel (carbon or low alloy) castings and manganese steel castings to increase the ceiling prices of such castings which were in effect immediately before the effective date of this supplementary regulation by 5 percent.

2. Section 2 of SR 2 to CPR 60 is amended to read as follows:

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of steel (carbon or low alloy) or manganese steel castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 5 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 5 percent. The ceiling prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 2 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 5 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 2 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1252; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 1 to Supplementary Regulation 3]

CPR 60—CASTINGS

SR 3—ADJUSTMENT IN CEILING PRICES FOR PRODUCERS OF GRAY IRON CASTINGS

CLARIFICATION OF CEILING PRICE WHICH MAY BE INCREASED BY INDUSTRY EARNINGS STANDARD ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 3, Ceiling Price Regulation 60, is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Supplementary Regulation (SR) 3 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 3 to CPR 60 may be applied to ceiling prices in effect on the effective date of SR 3, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR 35) and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

The basis for this amendment to Supplementary Regulation 3 is the same as that for Amendment 1 to SR 1 to CPR 60 and the Statement of Considerations thereto is equally applicable to this amendment.

In view of the technical nature of this amendment, consultation with industry representatives, including trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

1. Section 1 of SR 3 to CPR 60 is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of gray iron castings to increase the ceiling prices of such castings which were in effect immediately before the effective date of this supplementary regulation by 9 percent.

2. Section 2 of SR 3 to CPR 60 is amended to read as follows:

SEC. 2. *Adjustment of ceiling prices.* If you are a producer of gray iron castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 9 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 9 percent. The ceiling

prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 3 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 9 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 3 to Ceiling Price Regulation 60 is effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1253; Filed, Feb. 3, 1953; 4:00 p. m.]

[Ceiling Price Regulation 117, Amdt. 4 to Revision 1]

CPR 117—MALT BEVERAGES

ADJUSTMENT OF BREWERS' AND WHOLESALERS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 117, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to CPR 117, Revision 1, makes provision for individual adjustment of brewers' and wholesalers' ceiling prices to bring them into line with ceiling prices of their competitors.

The provisions of CPR 117, Revision 1, fixing ceiling prices are based on price structures resulting principally from local competition. They perpetuate the price relationships which existed during the May 24–June 24, 1950 period. The month before the Korean outbreak was a normal period for the industry, and the price relationships for that period contained as few distortions as any which might be selected. While experience indicates that the ceiling prices resulting from techniques used in the regulation are generally fair and equitable, the distortions which did occur and have been frozen by the regulation are significant enough to require corrective action by the Office of Price Stabilization.

In the malt beverage industry, especially at the wholesale level, individual sellers from time to time make short term price reductions in an endeavor to secure larger shares of the sales in their markets. These reductions have been used historically to encourage the retailer, by widening his margin, to emphasize particular brands, and they have seldom been passed on to consumers.

Price actions of this kind are not contemplated as enduring price distinctions. Rather, they are intended to be maintained for only a few weeks or months, at the end of which time the prices are brought into line with those of competitors. Consequently, price differentials resulting from such short term competitive activity should not be maintained in a scheme of price stabilization any longer than is necessary. Maintenance of these differentials has in some cases resulted in hardship both to the seller with low ceilings and to his competitors (who have been forced to meet those abnormally low prices) without giving the ultimate consumers any important benefits. This amendment is, therefore, intended to rectify the distortion incorporated in present ceilings without disturbing historically established price differentials.

The amendment, as indicated above, takes cognizance of the specific characteristics of competition in the malt beverage industry. For the most part brewers and wholesalers who in the pre-Korean period were selling at lower prices on a short-range basis had brought their prices into line by January 26, 1951 (the date of issuance of the General Ceiling Price Regulation). Therefore, this amendment provides that a brewer or wholesaler may apply for an adjustment of his CPR 117, Revision 1, ceiling price for a given item so that the same dollar-and-cent differential will exist between his adjusted price and the ceiling price of the most closely competitive seller of the most closely competitive item as existed between the selling prices of those two items during the period the GCPR was in effect. To deal with abnormal price increases taken by a brewer or wholesaler as a result of the Korean conflict, it is provided that his application will be granted only if the same dollar-and-cent differential existed between the prices of those two items during a substantial pre-Korean period. Brewers and wholesalers who did not adjust their prices by January 26, 1951, will, of course, derive no benefit from this amendment, since it is fair to assume that their present ceiling prices reflecting long standing selling prices are not abnormal.

The adjustments provided for by this amendment will have little effect on retail ceiling prices. For the most part retailers have two or three price classes of malt beverages and do not reflect, in their retail selling prices, small increases in their purchase cost of a single item since that would throw the item out of its normal class.

In the formulation of this amendment the Director of Price Stabilization has consulted industry representatives, including trade association representatives, to the extent practicable and has given consideration to their recommendations. In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 117, Revision 1, is amended by the addition of the following section:

SEC. 91. *Adjustment of brewers' and wholesalers' ceiling prices*—(a) Who *may obtain an adjustment.* You may obtain an adjustment in any of your ceiling prices otherwise established in this regulation if you are a brewer or a wholesaler and can establish that your ceiling price is out of line with those of your most closely competitive seller of the most closely competitive item and that the past pattern of your selling prices meets the requirements set out in paragraph (c).

(b) *How to apply for an adjustment.* To obtain an adjustment under this section you must apply in writing to your OPS District Office, and if you have no such District Office, to the Regional Office for the OPS region in which your main place of business is located. Your application must be signed by you or an authorized officer of your firm and contain the following information:

(1) Your name and address.

(2) A description of the item for which you are seeking an adjustment (i. e., the brand, type, container size, container type, and, if it is sold in bottles or cans, the case size).

(3) The class of purchaser to which the proposed adjustment is to be applicable.

(4) The name and address of the most closely competitive seller who sells the item which you believe to be the most closely competitive with the one for which you are seeking an adjustment. You may not consider an item as closely competitive with yours unless it is of the same container size and container type, and if your item is sold in cases, unless it is sold in the same case size as the item for which you are seeking an adjustment, and unless it is sold to the class of purchaser described under (3).

(5) A description of the item sold by the seller referred to in (4) (i. e., the brand, type, container size, container type, and, if it is sold in bottles or cans, the case size).

(6) Your present ceiling price for sales of the item to the class of purchaser described under (3) and the corresponding ceiling price for the item which you have listed under (5) as being most closely competitive with yours.

(7) Your regular selling price or prices of the item involved for sales to the class of purchaser set out in (3), as shown by your records, for the calendar year 1951 and the regular ceiling price or prices charged during the same period for the competitive item you have listed when sold to the same class of purchaser. By "regular" selling prices are meant list prices or, if there were no list prices, then those which were in effect during the periods when there were no offerings of special deals, promotions, or other temporary price reductions. Show the dates for which the various prices were in effect and the terms upon which they were offered.

(8) Your regular selling price or prices of the item involved for sales to the class of purchaser set out in (3), as shown by your records, for any period of 90 consecutive days between January 1, 1948 and May 23, 1950 selected by you

and the regular selling price or prices charged during the same period for the competitive item you have listed when sold to the same class of purchaser. Show the dates for which the various prices were in effect and the terms upon which they were offered.

(c) Action on your application. If it appears from the information you have furnished that your ceiling price for the item covered by your application is out of line with the ceiling price for the most closely competitive item, and that the ceiling price you propose will restore the differential which existed between your regular selling price for the item covered by your application and the regular selling price for the most closely competitive item during the calendar year 1951, and that the same differential had existed for at least 90 consecutive days in the period January 1, 1948–May 23, 1950 between your regular selling price and the regular selling price of the most closely competitive item, you will be authorized to adjust your ceiling price to re-establish that differential. You must not, however, adjust your ceiling price unless and until an order granting you the adjustment is issued by OPS and takes effect.

Example. Your CPR 117, Rev. 1, ceiling price for sale of a case of 24/12 oz. returnable bottles of Jonie's Beer to retailers is $2.00. The ceiling price for sale of the same case and container size and type of Ruthie's Beer (the most closely competitive item) to retailers is $2.25. During 1951 the regular *selling* prices of those two items to retailers were $2.00 and $2.15 respectively, reflecting a dollar-and-cent differential of 15¢. In addition, for at least 90 consecutive days in the period between January 1, 1948, and May 23, 1950, your regular selling price for the sale of that item of Jonie's Beer to retailers and the regular selling price for sale of the comparable item of Ruthie's Beer reflected the same 15¢ differential. In this situation the Office of Price Stabilization will issue an order adjusting your ceiling price for sales of that item of Jonie's Beer to retailers to $2.10, which is 15¢ less than the $2.25 ceiling price for sale of Ruthie's Beer to retailers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 117, Revision 1, is effective February 9, 1953.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53–1254; Filed, Feb. 3, 1953; 4:00 p. m.]

[General Overriding Regulation 35, Amdt. 11]

GOR 35—PASS THROUGH FOR STEEL, PIG-IRON, COPPER AND ALUMINUM COST INCREASES

ADDITION OF AUTOMOTIVE LIFTS TO APPENDIX C

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds automotive lifts (hydraulic, semihydraulic, and mechanical) to Appendix C of GOR 35. The purpose and effect of listing certain commodities in this appendix are explained in detail in the statement of considerations which accompanied Amendment 1 to GOR 35. The same considerations apply to the issuance of this amendment. This amendment is occasioned by the issuance of Amendment 5 to General Overriding Regulation 42 (GOR 42), which provides for a 7 percent increase in ceiling prices for sale by manufacturers of automotive lifts (hydraulic, semi-hydraulic, and mechanical), an adjustment which includes the materials cost increases. Since these are end products, no problem of any "pass through" beyond these manufacturers is involved.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultations with representatives of the automotive lifts industry were held prior to the issuance of Amendment 5 to GOR 42.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respect:

1. Appendix C is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity" and "Regulation":

Commodity	*Regulation*
Automotive lifts, hydraulic, semi-hydraulic, and mechanical	GOR 42, Sec. 25

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 35 is effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53–1255; Filed, Feb. 3, 1953; 4:01 p. m.]

[General Overriding Regulation 42, Amdt. 5]

GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY, RELATED MANUFACTURED GOODS, AND BUILDING MATERIALS

AUTOMOTIVE LIFTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds automotive lifts to the coverage of General Overriding Regulation 42. An industry earnings standard survey has recently been completed for this industry, and based upon data obtained from representative groups of manufacturers, it has been determined that, in order to bring the dollar profits of this industry up to the earnings standard approved by the Office of Price Stabilization, ceiling prices should be established at 107 percent of the industry's ceiling prices for these commodities which were in effect during the period December 1, 1952, to the issue date of this amendment. Such increased ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in materials, wages, and transportation which are currently in effect. Furthermore, it reflects increases in certain materials which are likely to occur in the future as a result of General Overriding Regulation 35 (Pass Through for Steel, Pig Iron, Copper, and Aluminum Cost Increases). Therefore, manufacturers of automotive lifts who use this adjustment may not adjust their ceiling prices under General Overriding Regulation 35. If they have already used GOR 35, they must deduct the amount of such an adjustment before taking the adjustment allowed by the amendment. However, the adjustment permitted by this amendment only reflects increases in outbound transportation costs, if any, occurring before the issue date. If increases in these costs occur in the future, an adjustment may be made for such increases pursuant to Supplementary Regulation 9 to Ceiling Price Regulation 30 or Supplementary Regulation 122 to the General Ceiling Price Regulation (Adjustments to Reflect Increased Outbound Transportation Costs), which ever is applicable. If these manufacturers have taken any adjustments under SR 9 to CPR 30 or SR 122 to the GCPR before the issue date of this amendment, they must deduct the amount of such adjustment before taking the adjustment permitted by this amendment.

The survey upon which this adjustment is based was effected by the use of a procedure designated "streamlined" by OPS, and since this procedure does not permit consideration of various factors which may be considered under a "full-scale" industry earnings standard survey, which necessarily requires more detailed data, and, therefore, a greater length of time to conduct, the members of this industry may at any time request OPS to conduct a full-scale survey.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respects:

Article II is amended by adding a new section 25 to read as follows:

SEC. 25. *Automotive lifts*—(a) *Commodities included.* Automotive lifts, hydraulic, semi-hydraulic, and mechanical; including parts and accessories for these commodities, when such parts and accessories are produced by the manufacturers of the lift, for incorporation into or for use with the lift or repair of the lift. These automotive lifts are used for the lifting of passenger motor vehicles, busses, and trucks and range in capacity up to 7500 pounds, inclusive. These lifts are fully described in "Automotive Lifts, Commercial Standard 142–47," issued by the United States Department of Commerce.

(b) *Adjustment period price.* The adjustment period price for any commodity included in paragraph (a) of this section 25 is the highest ceiling price to each class of purchaser which was in effect during the period December 1, 1952 to the effective date of the adjustment provided by this section 25. A ceiling price is considered "in effect" if that ceiling price was properly determined in accordance with applicable OPS regulations prior to the effective date of the adjustment authorized by this section 25.

(c) *Percentage adjustment.* The percentage adjustment for commodities included in this section 25 is 107 percent.

(d) *Relationship of the adjustment authorized by this section 25 to other adjustment regulations*—(1) *GOR 35.* Manufacturers of commodities included in paragraph (a) of this section 25 may not adjust their ceiling prices for such commodities under GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases). Further, if the highest ceiling price of the commodity in question during the adjustment period included an adjustment determined under GOR 35, this ceiling price must be reduced by the dollar amount of such an adjustment before it may be used as an adjustment period price under this regulation.

(2) *Capehart regulations.* See section 5, Article I of this regulation.

(3) *Outbound transportation costs.* See section 5, Article I of this regulation.

(4) *GOR 10 and GOR 29.* See section 5, Article I of this regulation.

(e) *Effective date.* The adjustment authorized by this section becomes effective February 7, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 7, 1953.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53–1256; Filed, Feb. 3, 1953; 4:01 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 121 to Schedule A]

[Rent Regulation 2, Amdt. 118 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO, ILLINOIS AND KENTUCKY

Effective February 4, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 30th day of January 1953.

JAMES McI. HENDERSON.
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Colorado				
(46) Pueblo	B	In PUEBLO COUNTY, Townships 20 and 21, South, Ranges 64 and 65, West of the Sixth Principal Meridian.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Aug. 1, 1952	Nov. 18, 1952
	A	PUEBLO COUNTY, except Townships 20 and 21, South, Ranges 64 and 65, West of the Sixth Principal Meridian, and that portion of the county lying West of Range 66, West of the Sixth Principal Meridian.	do	Do.
Illinois				
(88e) Lake County	B	LAKE COUNTY, except the cities of Highland Park and Lake Forest, the villages of Deerfield, Grayslake, and Lake Bluff and that portion of the village of Barrington located therein.	Mar. 1, 1942	July 1, 1942
	C	do	Aug. 1, 1952	Jan. 6, 1953
	A	In LAKE COUNTY, the villages of Deerfield and Grayslake and that portion of the village of Barrington located therein.	do	Do.
Kentucky				
(123e) Ashland-Catlettsburg-Raceland.	B	In GREENUP COUNTY, the city of Raceland	Mar. 1, 1942	Nov. 1, 1942

These amendments decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

That part of Pueblo County West of Range 66, West of the Sixth Principal Meridian, a portion of the Pueblo Defense-Rental Area in the State of Colorado;

The Cities of Highland Park and Lake Forest and the Village of Lake Bluff in Lake County, Illinois, portions of the Lake County Defense-Rental Area;

The City of Catlettsburg in Boyd County, Kentucky, a portion of the Ashland-Catlettsburg-Raceland Defense-Rental Area.

[F. R. Doc. 53–1167; Filed, Feb. 3, 1953; 8:51 a. m.]

[Rent Regulation 3, Amdt. 117 to Schedule A]

[Rent Regulation 4, Amdt. 59 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND ILLINOIS

Effective February 4, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 30th day of January 1953.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(46) Pueblo	Colorado	PUEBLO COUNTY, except that portion lying West of Range 66, West of the Sixth Principal Meridian.	Aug. 1, 1952	Nov. 18, 1952
(88e) Lake County	Illinois	LAKE COUNTY, except the cities of Highland Park and Lake Forest and the village of Lake Bluff.	do	Jan. 6, 1953

These amendments decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

That part of Pueblo County West of Range 66, West of the Sixth Principal Meridian, a portion of the Pueblo Defense-Rental Area in the State of Colorado;

The Cities of Highland Park and Lake Forest and the Village of Lake Bluff in Lake County, Illinois, portions of the Lake County Defense-Rental Area.

[F. R. Doc. 53-1168; Filed, Feb. 3, 1953; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

APPLICATION FOR STATION LICENSE WHERE NO CONSTRUCTION PERMIT IS REQUIRED

The Commission having under consideration the desirability of making certain editorial changes in § 1.318 (b) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 26th day of January 1953, that, effective immediately, § 1.318 (b) of the Commission's rules and regulations is revised as set forth below:

In § 1.318 (b):

1. Delete subparagraph (3) relative to obsolete Form 402.

2. Redesignate paragraphs (4) through (14) as paragraph (3) through (13).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: January 26, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1132; Filed, Feb. 3, 1953; 8:47 a. m.]

[Docket No. 10214]

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

LICENSED OPERATOR REQUIREMENTS OF CERTAIN STANDARD AND FM BROADCASTING STATIONS AND FOR REMOTE CONTROL OPERATION OF SUCH STATIONS

1. On June 4, 1952, the Commission released a notice of proposed rule making in the subject matter setting forth the request of the National Association of Radio and Television Broadcasters (hereinafter called petitioner) for amendment of the Commission's rules to permit:

(a) Persons holding restricted radiotelephone operator permits or higher class of licenses to stand the required regular transmitter watches at standard and FM broadcasting stations employing nondirectional antennas and operating with powers of 10 kw or less;

(b) Remote control of such stations.

2. The amendments proposed by petitioner would compel each station affected to employ a minimum of one first-class operator "as its chief engineer or technical superviser" and would permit the other operators required to be available for duty at the transmitter to be restricted permittees. The first class operator is not required to be a full-time employee but only to be "on call and reasonably available to fulfill his specified duties." He would be the only operator authorized to undertake any internal tuning adjustments, major repairs, or overhaul, and similar endeavors, restricted permittees being allowed to perform only "minor" adjustments of transmitter supply voltages and tuned circuits.

3. In support of the requested changes petitioner asserts that the regular duties of transmitter operators could be performed by restricted permittees, provided that major repairs were made by first class operators; and that the use of restricted operators would not result in any increase in outages or jeopardize the safety of the operators. Although it contends that technical reasons alone require that the Commission authorize the use of restricted permittees, petitioner points out that the basic need for the change is also justified by significant economic reasons. It alleges that most small stations must operate with a limited staff, and that effective utilization of this staff demands that those performing the nominal duties of transmitter operators be able to do many of the other more important and more difficult jobs required if the station is to offer a desirable service to the public. Petitioner concludes that the use of restricted operators, particularly in sparsely settled areas, would greatly enhance the possibilities of obtaining a staff with qualifications more suited to stations' needs. Also because of the resulting economies of operation, it argues that the use of restricted operators would increase the chances of survival of existing small stations, encourage the development of broadcast stations in "white areas" and in communities having no locally originated service, and aid existing stations to expend their hours of service.

4. Approximately 2,000 comments upon the proposal were received from the following sources: 1,136 individuals, most of them operators; 5 national labor unions; 52 labor union locals; 6 trade schools; 788 individual station managements; 28 regional associations of broadcasters; 1 national association of broadcasters; and 2 national networks. Almost all of the comments submitted by the operators, operator organizations and trade schools were opposed to the requested amendments. Conversely, almost all of the comments submitted by broadcasters and management organizations supported the requested amendments.

5. In the notice of proposed rule making issued in these proceedings the Commission posed a number of relevant questions and requested that interested parties direct their comments to these questions. One of the questions upon which comment was particularly desired was the extent to which a watch-standing operator requires significant technical training. In general, broadcasters are of the opinion that routine duties of periodic observations—reading meters and entering the readings in the station log, minor external adjustments of voltages and current, circuit tuning, and similar tasks, constitute all of the operator's transmitter duties during program periods; and that these duties can be performed without any appreciable technical training. Some expressed the further opinion that low grade watch-operators should also be able to make such minor repairs as replacing defective plug-in tubes and fuses, because these activities do not require extensive training but only a certain amount of technical aptitude. On the other hand, the operators contend that the operator on transmitter duty must not only make the observations and readings called for by the rules but must also observe numerous other matters and interpret what they see, hear, and smell. The operators assert that, in this way, transmitter failure caused by the aging of certain components, overheating of others, etc., can be anticipated, thereby avoiding outages and various other undesirable effects. Petitioner asserts that modern transmitters show remarkable reliability, and that, in the event of the rare loss of service due to transmitter breakdown, the general instructions in most stations are that the chief engineer is to be called. It also emphasized that preventive maintenance work is the principal means of avoiding breakdown. Many other station representatives expressed similar opinions and further asserted that it is not necessary to have

maintenance work performed during a transmitter operator watch, it being sufficient to have periodic inspection and maintenance of the equipment performed while the station is off the air. From the comments it appears that it is the practice at the smaller stations to have such maintenance work discharged only by the chief engineer, and also to employ "combination" operators, with concurrent duties as announcers, many of whom have had little or no experience in the repair and maintenance of broadcast stations. With respect to the desirability and appropriateness of the proposed amendments at the various power levels, the comments received must be characterized as contradictory.

6. In summary, as to the important question whether there would be any change in the number of technical transmission difficulties with the utilization of restricted watch-operators, the comments were conflicting. A number contended that the proposed amendments, if adopted, would result in some increase in transmission difficulties because of the alleged inability of non-technical operators on duty to anticipate or recognize faults and either correct or report them; it was also pointed out that under petitioner's proposal, additional time might be needed for the first-class operator, who could be stationed somewhere else, to reach the faulty transmitting equipment. Comments submitted by operators estimated increases in technical transmission difficulties ranging from 100 to 300 percent. On the other hand, some broadcasters believe that transmitter difficulties would decrease because they would have more money to spend on equipment, thus increasing the reliability of their technical plant. Other broadcasters cited experience with temporary use of low-grade operators in specific cases both recently and during the late war which showed no increase in transmission difficulties at those times. The Commission's records reveal that the loss of air time for the average broadcast station is only 0.14 percent of total air time. In this connection several comments attributed as high as 90 percent of outages to power and tube failure over which operators have little, if any, control.

7. As to the effect of the proposal upon the safety of operators, it is the prevailing opinion of the broadcasters that the duties of the lower grade operators, in connection with transmitting equipment, would be so limited as to preclude their coming into contact with dangerous voltages. It is pointed out that only minor, external adjustments would be made and that in the case of replacements of simple plug-in components the operator would be protected by interlock devices on access doors. There is little disagreement with this view but some individuals contend that in an emergency, regardless of their lack of technical competence, low-grade operators would be under pressure to restore a defective transmitter to service, and because of their ignorance of transmitter circuits, would engage in unsafe activities. However, no factual basis was given for this prediction. Several broadcasters expressed the opinion that the intelligence and care with which the operator works determines his safety rather than the class of license he holds. In general, the Commission's standards prohibit lethal voltages with which there might be accidental contact in performing the limited duties proposed. However, there are exceptions to this in that (a) exposed 220-volt AC switching equipment is permitted on the front of a power control panel, and (b) potentials of 350 volts, or less, within enclosures, need not be disconnected by interlocks on access doors. It is believed that the standards in respect to these matters are exceeded in the case of most transmitting equipment of recent manufacture to the extent that all external controls are "dead" and there are no exposed voltages outside enclosures .

8. Petitioner cited statistics of the Bureau of Labor Statistics to show that with one or possibly two exceptions not necessarily involving the instant question, there were no fatalities or permanent injuries among some 400 broadcast stations in a sample survey taken from 1941 through 1949, and further, that no fatality nor permanent injury occurred during the war years when numerous low grade operators were employed. It also pointed out in the petition that the National Council on Compensation Insurance, which is the central actuarial source for compensation insurance companies, does not classify transmitter operators in a hazardous category and has no separate data with respect to them.

9. There were many comments that the proposed amendments would result in widespread unemployment among first-class operators. In this connection, however, several broadcasters asserted that displaced operators would be absorbed by growth in the television broadcasting field, and the experience of one national network was cited as an example in that connection.

10. With respect to the petitioner's specific proposals, several comments called attention to possible difficulties in their administration because of indefiniteness, typified by the phrases "reasonably available" used in connection with the first-class operator and "minor adjustments" as applicable to the allowable work area of the restricted permittees. Further, it was pointed out that minor adjustments by restricted permittees might result in misadjustment of transmitting equipment so as to produce undesirable external effects.

11. Consideration must also be given to the effect of petitioner's proposals on the Conelrad Plan. This plan requires that, in case of an air raid alert, participating stations shall be able to change operating frequencies and, in some instances, power, on very short notice to predetermined and assigned values. The Conelrad Plan has been approved in accordance with Executive Order No. 10312 and is for the purpose of:

(1) Minimizing the navigational aid that an attacking air force might obtain from our broadcast stations.

(2) Providing a radio service for dissemination of civil defense and other information to the public during period of air attack . . .

The Conelrad system of operation requires the voluntary participation of a large number of stations. A study made of the technical requirements for placing a broadcast station in Conelrad system operation, revealed that practically all of the operations necessary at existing stations operating in the Conelrad system fall into one or more of the following categories:

(1) Push-button activation to place an auxiliary transmitter in operation that has been pretuned to a Conelrad frequency.

(2) Push-button operation to energize relays to effect the necessary changes.

(3) Moving dials to predetermined reading to tune the transmitter to a Conelrad frequency.

(4) Manually throwing switches to change crystals, inductors, capacitors, antennas, etc.

(5) Moving clips or connectors to predetermined points to effect changes as in (4) above.

12. With respect to remote control operation petitioner requests a revision of the rules to permit the operator at the remote control point to turn the transmitter on and off and to perform all of the functions required by the Commission's rules and standards to be carried out by operators on duty at the transmitter in the absence of remote control. It argues that such remote control of broadcast transmitters is entirely feasible and points to the operations of the similar experimental remote control installations already authorized by the Commission. Reports have been received from licensees on the operation of eight of these installations over periods averaging a little more than three months, seven involving control of FM stations by wire circuits and one radio control of an AM station. These reports show that faults occurred in the remote control circuits or apparatus of three installations that caused service interruptions but that in each of the eight cases, transmitter outages resulting from all causes, including outages attributed to remote control, amounted to less than one percent of the total time covered by each report. Petitioner advances, as reasons supporting its proposal, the argument that remote control authorization will permit the selection of better studio and transmitter sites, and through reduced overhead and more efficient operation, will aid existing stations in maintaining or expanding their present services, and will encourage the construction of new stations in sparsely settled areas.

13. On the other hand, there were a number of opinions, mainly from operators, that a control system should be required to afford the same degree of control at the remote point as exists at the transmitter, a degree entailing observations and adjustments beyond those proposed by petitioner or called for by the Commission's regulations. These same commentators asserted that the supervisory control circuits and apparatus necessary to provide such a degree of control would be so complex as to be impractical at this time. Finally, several comments pointed out that use of remote control with no one in attend-

ance at the transmitter would facilitate entries to the transmitter by unauthorized persons, including persons desiring to use the facilities for subversive purposes.

14. The Commission has carefully considered the numerous comments submitted and on the basis of these comments and its own knowledge and experience in the field, obtained through reports and records, has determined that amendment of the rules in question along the lines suggested by petitioner is appropriate at this time. The most important consideration is whether the revisions in question would result in any degradation of the Commission's technical standards and requirements, or more specifically, would increase the possibility of outages and improper transmitter operation. Factors such as the marked improvement of transmitter equipment and the reliability of such improved equipment, the satisfactory utilization of low grade operators during the late war, the successful operation by non-technical personnel of many electronic devices of an equally complex nature and upon which the safety of life and important property is often dependent, and the extensive and exclusive reliance at many stations on the chief engineer for all significant repair work, all militate for the adoption of the subject revisions. We find however that petitioner's proposal for the employment of a first class operator is inadequate. Petitioner proposed that the first-class operator need not be a full-time employee but only be "on call and reasonably available to fulfill his specified duties." It is our view that each station should have in its regular full-time employment and at the station at least one operator holding a radio-telephone first-class operator license to effect and insure the proper functioning of the station equipment and the implementation of the Conelrad Plan (see par. 15). Many of the comments received stressed the desirability and prime importance of preventive maintenance, the necessity for observation and "sniffing out" of trouble by the experienced technician, and the reliance on the chief engineer for any significant repair. It is felt that the retention of at least one first-class operator will satisfy all these criteria of proper technical operation since this operator, being employed on a regular full-time basis, will have ample opportunity to detect difficulties and engage in preventive maintenance, and be readily available at all times for necessary repair work. Further, under the rules adopted herein the restricted permittee, except when under the supervision of this first-class operator, is prohibited from making any adjustment that may result in improper transmitter operation other than external adjustments in four specified situations and, after instruction, those procedures necessary to place the station in Conelrad operation. It is the Commission's opinion that the modifications of petitioner's proposal here referred to are conclusive insurance against any degradation of its technical requirements or serious jeopardy to the safety of the operators or other personnel, and that they do not substantially inhibit the attainment of the benefits which petitioner believed would be forthcoming under its original proposal. On the basis of our experience with problems arising with the utilization of very high power equipment and the showings made in this proceeding, we have concluded that the revision of the rules to permit use of lesser grade operators and remote control shall be limited to standard non-directional and FM stations operating with the power of 10 kw or less.

15. With respect to the Conelrad plan, it is the Commission's opinion that the plan can be implemented and put into operation by persons holding authorizations other than radio-telephone first-class, provided they have been given adequate instruction by the station full-time first-class operator.

16. Numerous parties asserted that the proposed amendments would result in widespread unemployment among first-class operators, and that this factor should be accorded great weight by the Commission in reaching its determination. It is the Commission's opinion that just as under the standard of "public convenience and necessity" in section 214 of the act, it took into consideration the question of protection of employees in office closures and reduction of hours cases involving common carriers (In the Matter of Employee Protection in Telephone and Telegraph Service Curtailments, FCC 51–177, Mimeo No. 59469), so here it may consider, under the standard of the "public interest, convenience and necessity," the effect of the proposed amendments on the size and stability of the labor supply of technically qualified operators available to the broadcasting industry. Cf. Interstate Commerce Commission v. Railway Labor Executive Association, 315 U. S. 373, 380. However, in view of the applicable policy factors—in particular, the distinct possibility, especially with the lifting of the "freeze," that television will be able to take up a substantial degree of any resultant unemployment, the requirement that at least one first-class operator be retained in full-time employment, and the necessity of according technological progress proper leeway, such consideration does not compel a reversal of the foregoing conclusion.

17. Similarly, with respect to the question of remote control operation, the Commission is of the opinion, in the light of the present status of the equipment needed for such operation, the experimental demonstration of feasibility, the conditions imposed upon its authorization in petitioner's proposals and here adopted, and the salutary purposes to be accomplished by its use in appropriate situations, that authorization of the remote control operation on a regular basis is now desirable.

18. All interested parties have been afforded ample opportunity to file written comments and exhaustive comments have been received. Because of this and the further fact that most of the conflicts engendered by these comments are based on opinion, surmise, or prognostication, it does not appear that further oral presentation would be of material assistance to the Commission upon this matter. Accordingly, the requests of various parties for permission to make oral presentation are denied.

19. Authority for the adoption of the proposed amendment is contained in sections 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

20. In view of the foregoing, *it is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, Part 3 and Part 13 of the Commission's rules and regulations, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and the Standards of Good Engineering Practice Concerning FM Broadcast Stations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 26, 1953.

Released: January 27, 1953.

By direction of the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

I. Part 3—Radio Broadcast Services.

1. Section 3.55 is amended as follows:

Delete present paragraph (b) and substitute the following:

(b) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission.

2. Section 3.60 is amended as follows:

Delete present paragraph (a) and substitute the following:

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

3. Add new § 3.66 to read as follows:

§ 3.66 *Remote control operation.* A station which is authorized for non-directional operation with power of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license, or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will

automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter, to perform all of the functions in a manner required by the Commission's rules and Standards.

4. Section 3.164 is amended to read as follows:

§ 3.164 *Station and operator licenses; posting of.* The station license and any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible.

5. Section 3.165 is amended to read as follows:

§ 3.165 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided below, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized for non-directional operation with power of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1) and (2) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation.[37a] Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

(4) Those adjustments necessary to effect any change in operating power which may be required by the station's instrument of authorization.

[37a] A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make adjustments necessary to effect operation on a Conelrad authorization: *Provided,* That the station's full-time radiotelephone first-class operator shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of radiotelephone first-class operator, shall be required to terminate the station's omissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates an FM broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the standard broadcast station may concurrently be employed to satisfy the requirements of § 3.265 (c) or § 3.565 (c): *Provided,* That the duties of such operator or operators concerning the FM broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the standard broadcast transmitter.

(d) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

6. Section 3.252 is amended as follows:

Delete present paragraph (a) and substitute the following:

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

7. Section 3.253 is amended as follows:

Delete present paragraph (a) and substitute the following:

(a) The licensee of each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of the type approved by the Commission.

8. Section 3.257 is amended as follows:

Add the following new subparagraph (8) to paragraph (b):

(8) Change in the authorized transmitter remote control point(s).

9. Section 3.264 is amended to read as follows:

§ 3.264 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such manner that all terms thereof are visible.

10. Section 3.265 is amended to read as follows:

§ 3.265 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing it into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community; a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.165 (c): *Provided,* That the duties

of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter.

(d) The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

11. Add a new § 3.274 to read as follows:

§ 3.274 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards.

12. Section 3.552 is amended as follows:

Delete present language of paragraph (a) and substitute the following:

(a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

13. Section 3.553 is amended as follows:

Delete the present language of paragraph (a) and substitute the following:

(a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission.

14. Section 3.557 is amended as follows:

Add the following subparagraph (8) to paragraph (b):

(8) Change in the authorized transmitter remote control point(s).

15. Section 3.564 is amended to read as follows:

§ 3.564 *Station and operator licenses; posting of.* (a) The station license and any other instrument of station authorization and the original license (or Form FCC No. 759) of each station operator shall be posted in a conspicuous place in the transmitter control room in such a manner that all terms thereof are visible.

16. Section 3.565 is amended to read as follows:

§ 3.565 *Operator requirements.* (a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

(b) A station which is authorized with transmitter power output of 10 kilowatts or less may be operated by persons holding commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, when the equipment is so designed that the stability of the frequency is maintained by the transmitter itself within the limits of tolerance specified, and none of the operations, except those specified in subparagraphs (1), (2) and (3) of this paragraph, necessary to be performed during the course of normal operation may cause off-frequency operation or result in any unauthorized radiation. Adjustments of transmitting equipment by such operators, except when under the immediate supervision of radiotelephone first-class operator, shall be limited to the following:

(1) Those necessary to commence or terminate transmitter emissions as a routine matter.

(2) Those external adjustments that may be required as a result of variations of primary power supply.

(3) Those external adjustments which may be necessary to insure modulation within the limits required.

Should the transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the above adjustments are effective in bringing into proper operation, a person holding other than a radiotelephone first-class operator license and not acting under the immediate supervision of a radiotelephone first-class operator, shall be required to terminate the station's emissions.

(c) The licensee of a station which is operated by one or more operators holding other than a radiotelephone first-class operator license shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment at the station, whose primary duties shall be to effect and insure the proper functioning of the transmitting equipment. In the event that the licensee also operates a standard broadcast station in the same community, a regular full-time radiotelephone first-class operator or operators employed in connection with the FM broadcast station may concurrently be employed to satisfy the requirements of § 3.165 (c): *Provided,* That the duties of such operator or operators concerning the standard broadcast transmitting equipment shall in nowise interfere with the proper performance of his duties with respect to the FM broadcast transmitter: Except, that (1) if the transmitter power output is in excess of 10 watts but not greater than 1 kw, an operator holding radiotelephone second-class operator license may be on duty and perform the functions required of the radiotelephone first-class operator, or (2) if the transmitter power output is 10 watts or less, a radiotelephone second-class or radiotelegraph first- or second-class operator may be on duty and perform the functions of the radiotelephone first-class operator but need not be in regular full-time employment at the station.

(d) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the FM broadcast transmitter.

17. Add a new § 3.572 as follows:

§ 3.572 *Remote control operation.* A station which is authorized with transmitter power output of 10 kilowatts or less may, upon prior authorization from the Commission, be operated by remote control at the point(s) which shall be specified in the station license. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license or modification thereof by specifying the proposed remote control point(s). Operation by remote control shall be subject to the following conditions:

(a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow

the licensed operator either at the remote control point or at the transmitter to perform all of the functions in a manner required by the Commission's rules and Standards: Except, that in the case of a station licensed for a transmitter output power of 10 watts or less the monitoring equipment shall be installed at the remote control point so as to continuously monitor the actual FM carrier and audibly indicate the nature and quality of the program being broadcast.

II. Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

1. Section 15 is amended by the deletion of the first unnumbered paragraph.

2. Section 16 is amended by the deletion of the first unnumbered paragraph.

3. Section 20 is amended by the deletion of the first unnumbered paragraph.

4. Section 21 is amended by the deletion of the first unnumbered paragraph.

5. Section 22 is amended by the deletion of the first unnumbered paragraph.

III. Standards of Good Engineering Practice Concerning FM Broadcast Stations.

1. Section 12 is amended by the deletion of the first sentence of this section.

2. Section 14 is amended by the deletion of the first unnumbered paragraph of this section.

3. Section 15 is amended by deleting the first two sentences of the first unnumbered paragraph of the section and the substitution of the following: "The modulation monitor may be a part of the frequency monitor."

IV. Part 13—Commercial Radio Operators.

1. Section 13.7 is amended as follows:

Delete the words "in the case of a station licensed for service other than broadcast," appearing in lines 12 and 13 of paragraph (a).

2. Section 13.61 is amended by insertion of the footnote designator 19b after the word "authority" appearing in the first line thereof, and the addition of the following footnote:

[19b] See also § 13.62 (c) for additional operating authority with respect to standard and FM broadcast stations.

3. Section 13.62 is amended by the addition of a new paragraph as follows:

(c) The provisons of § 13.61 shall not prevent a holder of a commercial radio operator license of any class, except an aircraft radiotelephone operator authorization or a temporary limited radiotelegraph second-class operator license, from operating broadcast stations under the following conditions:

(1) A standard broadcast station with authorized operating power of 10 kw or less and employing a non-directional antenna, an FM broadcast station with authorized transmitter output power of 10 kw or less, or a noncommercial educational FM broadcast station with authorized transmitter output power of more than 1 kw but not in excess of 10 kw: *Provided,* That adjustments [23a] of transmitting equipment by such operators, except when under the immediate supervision of a radiotelephone first-class operator, shall be limited to the following:

(i) Those necessary to commence or terminate transmitter emissions as a routine matter.

(ii) Those external adjustments that may be required as a result of variations of primary power supply.

(iii) Those external adjustments which may be necessary to insure modulation within the limits required.

(iv) Those adjustments necessary to effect any changes in operating power which may be required by the station's instrument of authorization.

(2) A noncommercial educational FM broadcast station with authorized transmitter power output of more than 10 watts but not in excess of 1 kw: *Provided,* That adjustments of transmitting equipment by such operators, except under the immediate supervision of a radiotelephone first- or second-class operator, shall be limited to those adjustments set forth in subdivisions (i), (ii), and (iii) of subparagraph (1) of this paragraph.

(3) A noncommercial educational FM broadcast station with authorized transmitter power output of 10 watts or less: *Provided,* That adjustments of transmitting equipment by such operators, except under the immediate supervision of a radiotelephone first or second-class operator or a radiotelegraph first or second-class operator, shall be limited to those adjustments set forth in subdivisions (i), (ii) and (iii) of subparagraph (1) of this paragraph.

(4) Should the broadcast transmitting apparatus be observed to be operating in a manner inconsistent with the station's instrument of authorization and none of the adjustments specifically described under subparagraph (1) (2) or (3) of this paragraph are effective in bringing it into proper operation, an operator holding a lesser grade license than that which authorizes unlimited adjustment, with respect to the class of broadcast station involved, and not acting under the supervision of a person holding the higher grade license permitting such unlimited adjustment, shall terminate the station's emissions.

(5) Except in the case of noncommercial educational FM broadcast stations with authorized transmitter output power of 10 watts or less, the special operating authority granted in this section with respect to broadcast stations is subject to the condition that there shall be in regular full-time employment at the station one or more operators of a class authorized to make or supervise all adjustments, whose primary duty shall be to effect and insure the proper functioning of the transmitting equipment. In the case of a noncommercial educational FM broadcast station with authorized transmitter output power of 10 watts or less such operator(s) shall nevertheless be available on call to make or supervise any needed adjustments.

[23a] A person holding any class of radio operator license or permit who is authorized thereunder to perform limited operation of a standard broadcast station may, when a Conelrad Radio Alert is called, make any adjustments necessary to effect operation on a Conelrad frequency in accordance with the station's Conelrad authorization: *Provided,* That the station's responsible first-class radiotelephone operator(s) shall have previously instructed such person in the adjustments to the transmitter which are necessary to accomplish Conelrad operation.

[F. R. Doc. 53-1133; Filed, Feb. 3, 1953; 8:47 a. m.]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

ERRATA

In the matter of amendment of §§ 7.306 (a) (2), 8.355 (a) (2) and 8.359 (b) of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission's order of January 2, 1953 in the above-entitled matter, published in the FEDERAL REGISTER January 13, 1953, at page 256, is amended as follows:

1. Delete all references to § 7.306 (a) (2) including instruction 1 which reads, "1. Section 7.306 (a) (2) is amended by making the frequency '8450' listed therein read '8540'."

2. Delete all references to § 8.359 (b) including instruction 3 which reads, "3. Section 8.359 (b) is amended by making the reference therein to the frequency '156.2 Mc' read '156.3 Mc'."

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U .S. C. 303)

Released: January 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1177; Filed, Feb. 3, 1953; 8:54 a. m.]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FILING OF APPLICATIONS

The Commission having under consideration the desirability of making certain editorial changes in § 16.54 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 20th day of January, 1953, that, effective immediately, § 16.54

of the Commission's rules and regulations is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Section 16.54 is amended to change reference in paragraph (a) from § 16.56 (h) to § 16.56 (g); to delete paragraph (e); insert existing paragraph (c) in lieu thereof and add a new paragraph (c) so that revised § 16.54 will read as follows:

§ 16.54 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Land Transportation Radio Services are discussed in § 16.56, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 16.56 (g) should be followed.

(b) Any application for radio station authorization, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington 25, D. C., and should be directed to the attention of the Secretary.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Failure on the part of the applicant to provide all the information required by the application form, or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area", "Eastern U. S.", etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

[F. R. Doc. 53-1178; Filed, Feb. 3, 1953; 8:54 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

NOTICE OF PROCEDURE AND ORDER OF TESTIMONY AT HEARING ON JANUARY 26, 1953

JANUARY 22, 1953.

In accordance with the Commission's order of November 12, 1952, in the above-entitled proceeding, further sessions of this hearing will begin on January 26, 1953, at 10 a. m. in the U. S. Department of Commerce Auditorium, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C. The procedure herein outlined will be followed in the taking of further evidence.

I. Direct testimony on engineering and accounting matters. Such testimony will be received from witnesses for the following parties in the order indicated:

A. National Exhibitors Theatre Television Committee and Motion Picture Association of America, Inc.

B. American Telephone and Telegraph Company.

C. Radio Corporation of America.

D. Western Union Telegraph Company.

E. American Petroleum Institute (A. Earl Cullum, Jr. only at this time and cross-examination of this witness will be heard following his direct testimony).

II. Cross-examination of witnesses who have presented evidence on engineering and accounting matters. Counsel for each party will be required to indicate upon conclusion of all direct testimony on engineering and accounting matters, which witnesses they wish to have recalled for cross-examination.

III. Rebuttal testimony on engineering and accounting matters. (Parties who desire to present rebuttal witnesses should notify Commission counsel promptly, giving the names of the witnesses.)

IV. Testimony on issues other than accounting and engineering. Cross-examination of each witness will immediately follow that witness' direct testimony. Such testimony will be taken in the following order:

A. National Exhibitors Theatre Television Committee and Motion Picture Association of America, Inc.

B. Theatre Network Television, Inc.

C. Theatre Television Authority.

D. Western Union Telegraph Company.

E. American Telephone & Telegraph Company.

F. Independent Telephone Association.

G. American Petroleum Institute.

H. Aeronautical Radio, Inc.

I. American Trucking Association.

J American Civil Liberties Union.

Other parties to this proceeding not listed above have indicated in their summaries of testimony filed with the Commission January 12, 1953, that they will limit their participation to cross-examination and such rebuttal testimony as may be necessary.

The Commission expects each party to cooperate in expediting the conclusion of the hearings by making their presentations as brief as possible and, wherever possible, by reducing direct testimony, in whole or in part, to writing and offering it for the record in that form in lieu of oral presentation.

Notice is hereby given that sessions of this hearing will be held on Mondays and Tuesdays only of each week.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1134; Filed, Feb. 3, 1953; 8:47 a. m.]

[47 CFR Part 8]

[Docket No. 10359]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

EMERGENCY ANTENNA ON SHIPS

In the matter of amendment of Subpart U of Part 8 of the Commission's rules regarding the requirement of an emergency antenna on ships subject to the Safety of Life at Sea Convention, 1948.

The Commission having on December 23, 1952, adopted a notice of proposed rule making in the above entitled matter in which January 15, 1953, was designated as the last day by which original comments in the proceeding were to be filed and seven days thereafter as the last day for filing of comments in reply to original comments; the National Federation of American Shipping, Inc. having applied for an extension of time until March 2, 1953, within which to file further original comments in the proceeding; and

It appearing, that the National Federation of American Shipping has submitted original comments but proposes to investigate the matter further with the view of submitting additional comments based on such investigation; and

It further appearing, that it would be in the public interest for the record to include the additional comments of the National Federation of American Shipping, Inc., which represents a considerable portion of the ocean going merchant vessel shipping affected by the proposals in this proceeding; and

It further appearing, that additional time for filing comments will not prejudice the rights of any interested persons;

It is ordered, This 26th day of January, 1953, that an extension of time until March 2, 1953, is granted within which to file original comments in the above-captioned proceeding and that the time

within which to file reply comments to original comments in this proceeding is extended to March 9, 1953.

Released: January 27, 1953

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1179; Filed, Feb. 3, 1953; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance as hereinafter proposed of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong. approved July 5, 1952). The amendment slightly reduces the required minimum number of containers comprising a representative sample of poultry submitted for grading and will have little or no effect on the users of the service. It has been found that the proposed decrease in the number of samples will not affect the accuracy of the grading but will increase the efficiency thereof.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same in triplicate with the Chief of the Marketing Services Division, Poultry Branch, Production and Marketing Administration, U S. Department of Agriculture, Room 2099 South Building, Washington 25, D. C., not later than the 15th day following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows: Change § 70.31 *General,* to read as follows:

§ 70.31 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

Containers in lot:	*Containers in sample*
3 containers, or less	(1)
4 to 20, inclusive	3
21 to 50, inclusive	5
51 to 140, inclusive	7
In excess of 140 containers	(2)

[1] All containers.

[2] Five percent of the number of containers in the lot.

(60 Stat. 1087; 7 U. S. C. 1621; Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1144; Filed, Feb. 3, 1953; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1953 Dept. Circ. 919]

2¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1954

OFFERING OF CERTIFICATES

FEBRUARY 2, 1953.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 2¼ percent Treasury Certificates of Indebtedness of Series A-1954, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2½ percent Treasury Bonds of 1958, which offering is set forth in Department Circular No. 920, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated February 15, 1953, and will bear interest from the date at the rate of 2¼ percent per annum, payable with the principal at maturity on February 15, 1954. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before February 16, 1953, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A-1953, maturing February 15, 1953, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53-1175; Filed, Feb. 3, 1953; 8:53 a. m.]

[1953 Dept. Circ. 920]

2½ Percent Treasury Bonds of 1958

OFFERING OF BONDS

FEBRUARY 2, 1953.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1958, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series A–1953, maturing February 15, 1953. The amount of the offering under this circular will be limited to the amount of maturing certificates tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing certificates are offered the privilege of exchanging all or any part of such certificates for 2¼ percent Treasury Certificates of Indebtedness of Series A–1954, which offering is set forth in Department Circular No. 919, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds will be dated February 15, 1953, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for bonds allotted hereunder must be made on or before February 16, 1953, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A–1953, maturing February 15, 1953, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53–1176; Filed, Feb. 3, 1953; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 1, Amdt. 2; Region II]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATION OF AUTHORITY

Order No. 1 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

1. Section 2.9 is amended to read:

SEC. 2.9 *Government contests.* The Regional Chief, Division of Minerals may initiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.63 is amended to read:

SEC. 2.63 *Exchanges.* The managers of land offices, subject to a determination of public inerest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered lands by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed $50,000.

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

4. This order when approved by the Secretary of the Interior and published in the FEDERAL REGISTER shall amend Order No. 1 published in the FEDERAL REGISTER, page 8614, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

MARION CLAWSON,
Director.

Approved: January 29, 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53–1122; Filed, Feb. 3, 1953; 8:45 a. m.]

[Order No. 46, Amdt. 2; Region III]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATION OF AUTHORITY

Order No. 46 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

1. Section 2.9 is amended to read:

SEC. 2.9 *Government contests.* The Regional Chief, Division of Minerals may initiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which

the Regional Administrator is empowered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.63 is amended to read:

SEC. 2.63 *Exchanges.* The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed $50,000.

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

4. This order when approved by the Secretary of the Interior and published in the FEDERAL REGISTER shall amend Order No. 46 published in the FEDERAL REGISTER, page 8617, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

MARION CLAWSON,
Director.

Approved: January 29, 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53-1123; Filed, Feb. 3, 1953; 8:45 a. m.]

[Order No. 9, Amdt. 2; Region IV]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATION OF AUTHORITY

Order No. 9 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

1. Section 2.9 is amended to read:

SEC. 2.9 *Government contests.* The Regional Chief, Division of Minerals may initiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

2. Section 2.21 is amended to read:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

3. Section 2.63 is amended to read:

SEC. 2.63 *Exchanges.* The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, where the value of the selected lands does not exceed $50,000.

4. Section 2.66 is amended to read:

SEC. 2.66 *Material other than timber.* The Regional Chief, Division of Minerals may act on matters relating to the sale of materials other than timber of an appraised value not to exceed $20,000, and the free use of materials other than timber, under 43 CFR Part 259. The range managers having jurisdiction in the area may act on sales of this kind where the appraised value of the material does not exceed $300, and on matters relating to free use.

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

5. This order when approved by the Secretary of the Interior and published in the FEDERAL REGISTER shall amend Order No. 9 published in the FEDERAL REGISTER, page 8620, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

MARION CLAWSON,
Director.

Approved: January 29, 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53-1124; Filed, Feb. 3, 1953; 8:45 a. m.]

[Order No. 24, Amdt. 2; Region V]

SPECIFIED CLASSES OF EMPLOYEES

REDELEGATION OF AUTHORITY

Order No. 24 is amended as follows:

PART 1—AUTHORITY IN GENERAL

1. Paragraph (b) of section 1.1 is amended to read:

SEC. 1.1 *Functions of specified classes of employees.*

(b) With respect to lands in Oklahoma, which are not in a land district, the functions of the manager of the land office will be performed by the Regional Chief, Division of Minerals. The Regional Chief, Division of Range Management, will issue grazing leases under section 15 of the act of June 28, 1934, as amended (43 U. S. C. 315m), and issue permits or enter into cooperative agreements to construct and maintain improvements on lands so leased, and determine the value of such improvements.

PART 2—AUTHORITY IN SPECIFIED MATTERS

2. Section 2.9 is amended to read:

SEC. 2.9 *Government contests.* The Regional Chief, Division of Minerals, may initiate Government contests against claims asserted to public lands where the mining laws, or mineral matters, are involved, except mining claims embraced in mineral entries, and the Regional Chief, Division of Lands, may initiate Government contests against all other classes of claims asserted to public lands. The respective chiefs will take all necessary actions involving such contests, except (a) matters authorized by the regulations to be handled by the manager and (b) the presentation of the Government's case at the hearing, which will be handled by the Regional Counsel.

CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

3. Section 2.21 is amended to read:

SEC. 2.21 *Classification of lands.* The Regional Chief, Division of Lands, may classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. 315f), or pursuant to other laws, as being suitable for any type of use or disposition which the Regional Administrator is empowered to authorize.

NONMINERAL MATTERS EXCEPT RANGE MANAGEMENT AND TIMBER

4. Section 2.63 is amended to read:

SEC. 2.63 *Exchanges.* The managers of land offices, subject to a determination of public interest and value by the Regional Chief, Division of Lands, and to the approval of the title to the offered land by the Regional Counsel, may approve exchanges under 43 CFR Part 146, and paragraphs 149.35 to 149.43, inclusive, where the value of the selected lands does not exceed $50,000; also exchanges under section 2 of the act of August 13, 1949 (63 Stat. 604).

PART 4—EFFECT ON PRIOR ORDERS AND EFFECTIVE DATE

5. This order when approved by the Secretary of the Interior and published in the FEDERAL REGISTER shall amend Order No. 24 published in the FEDERAL REGISTER, page 8622, August 25, 1951. This order shall be effective upon approval by the Secretary of the Interior and publication in the FEDERAL REGISTER.

MARION CLAWSON,
Director.

Approved: January 29, 1953.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53-1125; Filed, Feb. 3, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERTRUD HOFFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the

administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gertrud Hoffmann, Berlin, Germany; Claim No. 36593; $622.30 in the Treasury of the United States.

Executed in Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1169; Filed, Feb. 3, 1953; 8:52 a. m.]

ROSA DENTONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosa Dentoni, Genoa, Italy; Claim No. 39946; $4,328.73 in the Treasury of the United States.

Executed at Washington, D. C., on January 29, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1170; Filed, Feb. 3, 1953; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

BEAVERHEAD NATIONAL FOREST, MONTANA

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Black Canyon Management Unit, Dillon District, Beaverhead National Forest, in the State of Montana; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Black Canyon Management Unit, Dillon District, Beaverhead National Forest:

Temporary closure from livestock grazing. (a) The Black Canyon Management Unit, Dillon District, Beaverhead National Forest, is hereby closed from March 1, 1953, to August 31, 1954, to the grazing of horses, excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Beaverhead National Forest is located.

Done at Washington, D. C., this 30th day of January 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1183; Filed, Feb. 3, 1953; 8:55 a. m.]

Office of the Secretary

OKLAHOMA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Oklahoma, in alphabetical order, add the county "McCurtain."

2. In Schedule B, under Oklahoma, delete the county "McCurtain."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 2d day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1200; Filed, Feb. 2, 1953; 4:41 p. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE MISSISSIPPI STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1953 CROP

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts (17 F. R. 10611), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Mississippi State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer to whom the authority has been redelegated:

MISSISSIPPI

Sections 729.411 (h) (2) (ii), 729.418 (b) (5), 729.419, 729.421, 729.422 (a), 729.424 (a), 729.424 (b), (4), 729.426 (b), 729.426 (c), 729.429 and 729.430—Chairman of the State PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended; 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1373, 1374)

Issued at Washington, D. C., this 30th day of January 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53-1185; Filed, Feb. 3, 1953; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-58]

COASTWISE LINE

NOTICE OF POSTPONEMENT OF HEARING ON APPLICATION TO BAREBOAT CHARTER THREE GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS FOR EMPLOYMENT IN PACIFIC COASTWISE/BRITISH COLUMBIA/ALASKA SERVICE

The hearing scheduled in this matter for February 5, 1953, (18 F. R. 634) is hereby postponed until February 12, 1953, and will be held at the same hour and place as originally scheduled.

Parties may have two (2) days within which to file exceptions to, or memoranda in support of, the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: January 30, 1953.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN,
Acting Assistant Secretary.

[F. R. Doc. 53-1166; Filed, Feb. 3, 1953; 8:51 a. m.]

National Production Authority

[Suspension Order 33; Docket No. 26]

MARDIGIAN CORP.

MODIFICATION

The above-entitled matter is before the chief hearing commissioner, Na-

tional Production Authority, on the petition of respondent Mardigian Corporation for modification of the suspension order issued herein on September 26, 1952 (Suspension Order 33; Docket No. 26).

Pursuant to delegation issued by Morris R. Bevington, Deputy Chief Hearing Commissioner, dated November 24, 1952, a hearing was held on the petition of respondent Mardigian Corporation for modification of the aforesaid Suspension Order 33, before The Honorable Harrison W. Ewing, Hearing Commissioner, at Union Commerce Building Annex, Cleveland, Ohio, on December 10, 1952. Appearance on behalf of Mardigian Corporation was made by Ned Mellen, Esq., attorney-at-law, Detroit, Michigan, and on behalf of the National Production Authority by Leonard J. Ganse, Esq., Office of General Counsel, and John F. McCrystal, Esq., regional attorney, Sixth Regional Office, Cleveland, Ohio, National Production Authority.

Facts occurring since the date of entry of Suspension Order 33 have been determined by examination of books and records of Mardigian Corporation, at Detroit, Michigan; and a stipulation of the facts was entered into between counsel for said corporation and for the National Production Authority, and was filed herein on January 9, 1953.

Suspension Order 33 (Docket No. 26) now provides:

It is accordingly ordered:

1. That the allocations and allotments of aluminum to Mardigian Corporation, a corporation, for the fourth quarter of 1952, now apparently totaling 532,500 pounds, are hereby recalled and ordered to be modified and reduced by deducting and withholding therefrom 274,518 pounds.

2. That the allocation and allotments of aluminum projected to be made to the Mardigian Corporation, a corporation, for the first quarter of 1953, estimated to total 487,500 pounds are hereby directed to be modified and reduced by deducting and withholding therefrom 274,517 pounds.

3. That except in the event that said Mardigian Corporation received additional allotment or additional allotments or allocations, and excepting such aluminum as said corporation may require to fill orders rated 10–A, B, C, E, and Z–2, B–5, and DX, said Mardigian Corporation shall not use in civilian production more than 257,982 pounds of aluminum during the fourth quarter of 1952, nor more than 212,983 pounds of aluminum during the first quarter of 1953.

4. That said Mardigian Corporation is hereby ordered and required forthwith to report and return to the control of the National Production Authority any aluminum which it may have ordered, or of which it has received actual delivery under authority of its said allotments for the fourth quarter of 1952, in excess of the quantity which it is entitled to receive and use under the preceding paragraph of this order.

Pursuant to the terms of the suspension order, Mardigian Corporation returned to National Production Authority the following amounts of aluminum allocations:

	Pounds
Fourth quarter 1952	274,518
First quarter 1953	274,517

The foregoing makes a complete recoupment or pay-back of aluminum used by Mardigian Corporation in excess of the regulations.

Under paragraph 3 of the above-quoted order, Mardigian Corporation is prohibited from using "in civilian production more than 257,982 pounds of aluminum during the fourth quarter 1952, nor more than 212,983 pounds of aluminum during the first quarter of 1953." It is about these limitations on the maximum quantum of civilian production that the respondent corporation complains.

Petitioner Mardigian Corporation has shown under the stipulation of facts occurring since entry of Suspension Order 33 on September 26, 1952, that its position as concerns aluminum for its product has been as follows:

	Pounds
Aluminum inventory (Oct. 1, 1952)	231,516
Carry-over of aluminum (ordered against third quarter 1952 allotments, but not delivered prior to Oct. 1, 1952)	422,075
Fourth quarter 1952 allotments of aluminum	532,500
Total	1,186,091
Permissible use of aluminum in fourth quarter 1952, under Suspension Order 33, paragraph 3	257,982

It also appears, that because of restrictions of the suspension order limiting use of aluminum in civilian production during the fourth quarter 1952, coupled with the inventory limitations imposed by National Production Authority regulations against receipts of aluminum when the inventory is thus made excessive, Mardigian Corporation was compelled to return 229,700 pounds of third quarter allotment of aluminum, by Form CMP–12 executed December 11, 1952.

In addition, because of its inventory position (supra), and the restriction of the suspension order limiting use of aluminum in civilian production in the fourth quarter 1952, Mardigian Corporation was unable to receive and accept 116,873 pounds of aluminum under its fourth quarter 1952 allotment.

Additionally, and if the restrictions of the suspension order limiting use of aluminum in civilian production during the first quarter 1953 are continued in effect, Mardigian Corporation will be precluded from using additional amounts of aluminum in the first quarter 1953.

Mardigian Corporation has now established and is maintaining a system of records which substantially complies with National Production Authority regulations. It therefore seeks a modification of the suspension order by eliminating paragraph 3 therefrom.

Conclusions. 1. The evidence and stipulation show that Mardigian Corporation made full pay-back of the entire amount of aluminum used in excess under the regulations, viz, 549,035 pounds of aluminum, by two Form CMP–12's, issued October 13, 1952.

2. As an additional effect of the suspension order, Mardigian Corporation was prevented from acquiring and using 229,700 pounds of its third quarter 1952 aluminum allotment, which it was required to return by Form CMP–12, executed December 11, 1952.

3. Additionally, because of effect of the suspension order, Mardigian Corporation was prevented from acquiring and using 116,873 pounds of its fourth quarter 1952 aluminum allotment, which it will be required to return by a Form CMP–12, unless paragraph 3 of the suspension order be modified.

4. By the compliance performed by Mardigian Corporation, viz, by the pay-back of the full amount of aluminum used in excess, and by the effect of the suspension order on civilian production of the corporation and the concurrent effect thereof on the right to acquire and receive aluminum in inventory, the deterrent effect contemplated by the suspension order has been adequately achieved.

Counsel for the National Production Authority does not oppose the granting of the modification sought by Mardigian Corporation.

Wherefore, it is hereby ordered:

That Suspension Order 33 (Docket No. 26), heretofore issued in the above-entitled proceeding on September 26, 1952, be, and the same hereby is, modified in the following respects:

(a) Paragraph 3 thereof is amended by deleting the words "nor more than 212,983 pounds of aluminum during the first quarter of 1953;" and

(b) Said Suspension Order 33 and paragraph 3 thereof is hereby modified to the extent that it purports to limit the use by Mardigian Corporation in civilian production to not more than 257,982 pounds of aluminum during the fourth quarter 1952, and is modified so that the said Mardigian Corporation is hereby authorized to receive (and to use as a carry-over from said fourth quarter of 1952) the undelivered balance of 116,873 pounds of aluminum allotted under its fourth quarter allotment.

Issued at Washington, D. C., this 27th day of January 1953.

NATIONAL PRODUCTION AUTHORITY,
By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 53–1248; Filed, Feb. 3, 1953; 11:41 a. m.]

[Suspension Order 48; Docket No. 59]

ACME PACKING CO. AND FIRST CALL DOG FOOD CO.

MODIFICATION

Respondents, who are in the business of canning pet food, violated section 6 (b) of NPA Order M–25 by certifying purchase orders and using an excessive number of tin cans. This resulted in excessive inventories. They were also charged with making a false application on behalf of a company that was not in fact a packer but that represented only a separate brand of food packed by respondents. The period of violations was the last 2 quarters of 1951.

The hearing commissioner, in Suspension Order No. 48, directed that all pri-

ority assistance, allocations, allotments, and privileges be withdrawn from respondents for a period of 7 months ending June 30, 1953. The amount of excess cans was 1,091,842: this is 2,318 "base boxes," which appears to be the unit of allocation. From the evidence and from the statement of counsel at argument, respondents normally use about 6 million cans per year, and this is 1,062 base boxes per month. During the 7 months of the suspension order, respondents would therefore be deprived of 7,434 base boxes, or 3,501,414 cans, which is over three times the excess in violation.

The record is opaque on the question of wilfulness. The stipulation contains the following:

> • • • they furnished false information in the course of operation under said order by making an application to the National Production Authority in writing, for an adjustment under section 11 of National Production Authority Order M–25 for the establishment of a quarterly packing base for packing animal and pet food under the firm name and style of First Call Dog Food Company; said respondents furnished false information and made materially false statements with respect to their organization, plant, and facilities, which false and misleading statements were made with intent to be acted upon by the National Production Authority; that as a result of such false and misleading information and statements furnished by the said respondents, the National Production Authority on April 26, 1951, granted the First Call Dog Food Company authority to use a quarterly packing base of 882 base boxes of tin plate for packing animal pet food; that upon discovery of such false and misleading information and statements furnished by said respondents, the National Production Authority on October 12, 1951, cancelled and revoked the quarterly packing base of 882 base boxes of tin plate granted to the First Call Dog Food Company as aforesaid; that in truth and in fact the First Call Dog Food Company owned no plant or packing facilities, had no organization, and employed no personnel; that the name "First Call Dog Food" was in fact merely a brand name used on labels by the respondents for pet food packed by Acme Packing Company.

It is difficult to believe that anyone in his senses could sign such a stipulation without realizing that he was admitting a charge of wilfulness: "materially false and misleading information made with intent to be acted upon" is close to the classic definition of fraud.

Nevertheless, counsel stated the Government's position at the hearing as follows:

> I would like to point out, in our statement of charges, Charge No. 5, we have alleged that the action taken by the respondents was wilful. However, in fairness to counsel for the respondents, I pointed that out, and of course he took issue with a stipulation which would agree to wilfulness, and as a consequence the stipulation has no agreement as to wilfulness. It is silent as to the question of wilfulness or not. Consequently, the stipulation is an admission of the facts as charged, and as a result of that, as you know, the object of these proceedings are to seek corrective and remedial action of the disruption of the National Production Authority's program with respect to our material control, Order M–25, in this case, which looks toward an adjustment of the dislocation of this excessive use of material and excessive inventories of material. We are asking for the relief—the relief which the Government requests is a total revocation of all priorities and all allocations and allocation privileges under the NPA orders and regulations as they apply to the respondent.

We think that the stipulation is anything but "silent" on the question of wilfulness, and it is further difficult to understand the statement that "adjustment of the dislocation of this excessive use" should call for "a total revocation of all priorities."

The commissioner completed the picture by finding, after mentioning that "the stipulation does not concede wilfulness," that "at least there was gross negligence on respondents' part." This is not a finding of wilfulness, and because it is the conclusion of the fact-finder it carries great weight, although we do not doubt the power of appellate commissioners to reach an independent conclusion on the record. We might well sustain the commissioner's order upon our own finding of wilfulness if it were not for one factor to be mentioned shortly.

Before doing so we are compelled to express the opinion that the equivocal position of the Government results from the stipulation. To stipulate is a convenient way to avoid long and involved hearings, but we are inclined to think that its maximum value is in cases that fall short of wilfulness: in cases where factors of wilfulness are present, a stipulation should be limited to the admitted facts of violation. It is rather obvious that the respondents in the instant case did not write this stipulation themselves. No one would sign such statements without some feeling of coercion. This is not to say that the Government coerced these respondents, but they couldn't have signed such things unless they felt coerced by the situation in which they found themselves. It should be enough that the Government charge wilfulness, seek to prove it at the hearing, but see to it that any stipulation entered into contain only the basic facts. Respondents and their counsel, both at the hearing and in their brief, constantly asserted good faith, which is altogether inconsistent with the signed stipulation.

We are not unduly impressed by respondents' cries of innocence. The partner who testified showed himself to be an intelligent man. Faced with a mass of regulations that he asserts are difficult to understand, an intelligent man goes to a lawyer, especially when the regulations strike at the supply of materials that are the very core of his business. This partner's complaint is that the local NPA agent who spent 2 days at the plant did not warn him, but it is more persuasive to say that if he had asked the questions that were really troubling him he would have got clear answers. And his favorable interpretations of the appropriate regulations are strained, to say the least.

The factor that impels us to modify the suspension order is foreshadowed in the order itself. This is the provision that the order issue: "subject, however, to modification by NPA to relieve any satisfactorily established severe hardship to the persons for whose 'private label accounts' Acme has been packing." The commissioner declared himself not to be in a position to ascertain and weigh such hardship.

Respondents have presented two affidavits to this effect. One is by James Augustine, who avers that Acme packs about 3,450 cases per month for him and that Acme is his sole source of supply. The other is by Harry L. Meharry to similar effect: his volume is about 2,700 cases per month. These amounts total about 627 base boxes per month.

This has been investigated by the Government on the spot, since the appeal hearing, and has been found to be correct.

The inference is clear, however, that respondents could not exist if allowed cans enough to fill only these two accounts, and if the hardship on respondents' innocent customers is to be met realistically, Acme must be allowed to operate. The only feasible way to do this is to require a reduction in allotments to the full extent of the excessive use. Since we are almost through one-third of a quarter-year, the reduction in allotments may be done on a monthly basis, beginning February 1, 1953, or it may be done equally during two successive quarters, beginning with the second quarter of 1953.

ORDER

Suspension Order No. 48 is modified as follows:

Respondents' allotments shall be reduced by a total of 1,091,842 cans, or 2,318 base boxes. Such reduction may be accomplished by six successive monthly reductions of 386 base boxes each, beginning February 1, 1953, or by two successive quarterly reductions of 1,159 base boxes each, beginning with the second quarter of 1953: the choice of methods to be at the discretion of NPA.

CURTIS BOK,
Deputy Chief Hearing Commissioner.

JANUARY 13, 1953.

[F. R. Doc. 53–1249; Filed, Feb. 3, 1953; 11:42 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38,

40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Baltimore Goodwill Industries, 201 South Broadway, Baltimore, Md.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective January 1, 1953, and expires December 31, 1953.

Pennsylvania Association for the Blind, Delaware County Branch, 100-06 West Fifteenth Street, Chester, Pa.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period of 80 hours and a training period of 120 hours, and 35 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

The St. Paul Goodwill Industries, Inc., 509 Sibley Street, St. Paul 1, Minn.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: Clerical and Switchboard, 60 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 67½ cents thereafter; Maintenance, 60 cents per hour for an evaluation period of 160 hours, and 67½ cents thereafter; Waste Materials Division, 38 cents per hour for an evaluation period of 160 hours, and 42½ cents thereafter. Certificate is effective January 1, 1953, and expires December 31, 1953.

Goodwill Industries of Orange County California, 417 West Fourth Street, Santa Ana, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Mount Diablo Therapy Center, 2363 Mount Diablo Boulevard, Walnut Creek, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation, and/or a training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires July 31, 1953.

Occupation Exchange, 1843 Empire Street, Burbank, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation, and/or a training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective January 5, 1953, and expires July 31, 1953.

Volunteers of America, West Twenty-eighth Main Avenue, Spokane, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 46 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Volunteers of America, 1921 First Avenue, Seattle 1, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 62½ cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

St. Vincent de Paul Salvage Bureau, 1001 Fairview Avenue North, Seattle 9, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 62½ cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

United Cerebral Palsy Ass'ns of King County, 201 Minor North, Seattle, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective January 8, 1953, and expires July 31, 1953.

Goodwill Industries of Tacoma, 2356 South Tacoma Avenue, Tacoma, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

The Volunteers of America, 1517 Broadway, Tacoma 2, Wash.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

The Volunteers of America, Inc., 538 South East Ash Street, Portland, Oreg.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 62½ cents per hour, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Society of St. Vincent de Paul, 530 Sixth Street, Oakland, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 50 cents per hour, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of Oakland, 485 Sixth Street, Oakland 7, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 60 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of San Francisco—Santa Cruz Branch, 204 Union Street, Santa Cruz, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of Southern California, 342 San Fernando Road, Los Angeles 31, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Volunteers of America, 1637 Market Street, San Diego, Calif.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation, and/or a training period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries and Gospel Mission, 13 West Salem Avenue, Roanoke, Va.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation period of 80 hours and a training

period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective January 1, 1953, and expires December 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of January 1953.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 53-1126; Filed, Feb. 3, 1953; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8736, 8955, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE AND HEARST RADIO, INC.

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976; and in re application of Hearst Radio, Inc., Milwaukee, Wisconsin, Docket No. 8955, File No. BPCT-383.

1. The Commission has before it for consideration a further "Petition for Rehearing" filed December 17, 1952, by The Hearst Corporation requesting the Commission to reconsider its Memorandum Opinion and Order (FCC 52-1488) issued November 17, 1952, in the above-entitled proceedings, and the application of Hearst Radio, Inc., for a new commercial television broadcast station on Channel 10 in Milwaukee, Wisconsin (Docket 8955, File No. BPCT-383).

2. Petitioner is the assignee of Hearst Radio, Inc., an applicant for a new commercial television broadcast station in Milwaukee, Wisconsin, on Channel 10. The application of Hearst Radio, Inc., was designated for consolidated hearing along with three other Milwaukee applications on April 29, 1948. At that time four channels were assigned to Milwaukee, Channels 3, 6, 8, and 10, with Channel 3 already being operated by Television Station WTMJ-TV. Thus, Channels 6, 8, and 10 were the subject of the Milwaukee hearing. This hearing commenced on July 28, 1948, and continued through August 6, 1948, by which time all non-engineering testimony of Hearst Radio, Inc., and substantially all such testimony of two other applicants had been presented. The fourth applicant dismissed its application prior to a scheduled further hearing and on September 3, 1948 the further hearing was postponed indefinitely on the motion of the three remaining applicants in order to permit the filing of a petition for immediate grant of their applications. Such a petition was filed on September 14, 1948. However, on September 30, 1948, the Commission issued its "freeze" order (FCC 48-2182); and in accordance with the provisions of this order, no decision was issued in the Milwaukee proceeding.

3. In its third notice of further proposed rule making (FCC 51-244) issued in the television rule making proceedings (Docket 8736 et al.) in March 1951, the Commission proposed to assign six channels to Milwaukee, VHF Channels 4, 10, and 12 and UHF Channels 10, 25, and 31, with Channel 10 reserved for noncommercial educational purposes. Thus, Channels 3, 6, and 8 were no longer proposed for Milwaukee and Channel 10 was to be reserved there for use by a noncommercial educational television station.[1]

4. Hearst Radio, Inc., participated in the television rule making proceedings urging in its comments and evidence that "in order to permit all three applicants to provide additional and competing television services to that city at the earliest possible date and to safeguard the rights of the parties to the Milwaukee hearing—which rights were expressly reserved—the Commission's proposed allocations for Milwaukee * * * should be modified to provide four VHF channels for commercial television stations instead of the two proposed." Specifically, Hearst Radio, Inc., urged that VHF Channel 6 be assigned to Milwaukee and that Channel 10 not be reserved for noncommercial educational use. On April 14, 1952, upon the completion of the rule making proceedings, the Commission issued its Sixth Report and Order (FCC 52-294) adopting the channel assignments for Milwaukee as proposed in the Third Notice, and denying the Hearst Radio, Inc., counterproposal. On this date the Commission also released, in conjunction with its Sixth Report and Order, an Order (FCC 52-308) in Docket 8955 removing the application of Hearst Radio, Inc., as well as all the other applications for television stations in the Milwaukee hearing from the hearing docket.

5. On June 23, 1952, petitioner filed two petitions: (1) A "Petition for Rehearing and Reconsideration of the Sixth Report and Order" filed in the rule making proceedings in Docket 8736 et al.; and (2) a "Petition for Immediate Grant and for Other Relief" directed to the application for a television station on Channel 10 in Milwaukee (BPCT-383). With respect to the rule making proceedings petitioner sought reconsideration of the Commission's decision in the Sixth Report and Order denying the counterproposal of Hearst Radio, Inc., which had urged that VHF Channel 6 be retained in Milwaukee and that VHF Channel 10 be available for commercial assignment in that community. With respect to the application for Channel 10 in Milwaukee, petitioner requested the Commission to set aside its order removing the Hearst Radio, Inc., application from the hearing docket; to grant leave for amendment of its application to bring it up-to-date and into conformity with the new rules; and to enter an order granting the application. On June 30, 1952, petitioner had tendered for filing an amendment to the application of Hearst Radio, Inc., for Channel 10.

6. On November 17, 1952, the Commission issued its Memorandum Opinion and Order (FCC 52-1488) denying the petition of The Hearst Corporation for rehearing and reconsideration of the Sixth Report and Order, and also denying its petition for grant of its application. In addition, the Commission dismissed the amendment tendered for filing by The Hearst Corporation to the application of Hearst Radio, Inc., for Channel 10 in Milwaukee. Petitioner now seeks reconsideration of this action.

7. Petitioner contends that orderly procedure would be served if the Commission were to dispose of the pending application for Channel 10 in Milwaukee at the same time it disposes of the petitions filed by The Hearst Corporation. At the time the Commission issued its Memorandum Opinion and Order on November 17, 1952, the City of Milwaukee had not yet been reached for processing in accordance with the temporary procedure instituted for handling television applications. (Section 1.371 of the rules.) Accordingly, it would have been highly inappropriate for the Commission to have considered finally the application for Channel 10 in Milwaukee at that time. Furthermore, this procedure afforded petitioner an opportunity, if it so desired in the light of our opinion on its previous petitions, to amend its application by requesting a channel available in Milwaukee to commercial applicants. The City of Milwaukee now, however, has been reached on the processing line, and the Commission is now in a position to act on The Hearst application for Channel 10 in Milwaukee. The Hearst Corporation has not tendered an amendment to specify a channel available in Milwaukee for commercial operation. Since

[1] Since Station WTMJ-TV had been operating on Channel 3 which was no longer to be assigned to Milwaukee, the Commission directed this station to show cause why its frequency should not be changed to Channel 4 which was now proposed for that community. WTMJ-TV did not object to this change in frequency.

Channel 10 has been reserved in Milwaukee for use by a noncommercial educational television station, the provisions of paragraph (j), footnote 10 of § 1.371 (Temporary Processing Procedure) and § 3.607 of the Commission's rules and regulations require the dismissal of the Hearst application.

8. The Hearst Corporation asserts that the Commission has confused the two petitions filed by it, that one was directed to the application for Channel 10 in Milwaukee requesting an immediate grant while the other was directed to the rule making proceedings in Docket 8736 et al. Petitioner contends that the Commission erred in ignoring the distinction between adjudication and rule making and that the Commission has not "given appropriate consideration to the contentions advanced in its petitions" or "made appropriate findings to justify its conclusions." Petitioner maintains that the Sixth Report and Order "even assuming it to be a valid and appropriate exercise of the Commission's rule making power, cannot be legally relied on to justify a denial of petitioner's application for Channel 10 in Milwaukee." The Hearst Corporation requests that the Commission reconsider its Memorandum Opinion and Order and "pass separately on the contentions raised in the application proceeding in Docket No. 8955."

9. The prior petition of The Hearst Corporation directed to the application for Channel 10 alleged contentions that there were also offered in its petition directed to the rule making proceeding. In both petitions it was asserted that the Commission was without authority to reserve Channel 10 in Milwaukee for educational purposes in light of the pending Hearst application for this channel. In both it was contended that since a hearing had been partially held on the Hearst application, § 1.387 (b) (3) insulates the application and the amendment of the Commission's Rules can not act to deprive Hearst of its alleged rights to be considered for Channel 10. Moreover, Hearst asserted the right to be considered prior to any consideration afforded applications for that channel which might have been filed subsequent to the hearing on Hearst's application. Our Memorandum Opinion and Order fully considered and disposed of the contentions raised by petitioner in both pleadings. We believed it would have been repetitious and unnecessary to first set forth our views with respect to those arguments in an opinion relating solely to the petition filed by petitioner with respect to the rule making proceeding and then to set forth once again the very same views in a separate opinion relating to the petition filed with respect to the application of Hearst Radio, Inc. Accordingly, we find no merit in the request that we "pass separately on the contentions raised in the application proceeding in Docket No. 8955."

10. The Hearst Corporation, it appears, desires that it be afforded oral argument with respect to the dismissal of the pending application for Channel 10 in Milwaukee (BPCT–383). We are disposed to afford it that opportunity.

Accordingly, it is ordered, That oral argument will be heard before the Commission en banc on February 16, 1953, on the following: To determine whether the pending application of Hearst Radio, Inc., for a new commercial TV station in Milwaukee, Wisconsin, on Channel 10, a channel reserved for educational use by § 3.606 of the rules, should, in light of the provisions of § 1.387 (b) (3) of the rules and the prior proceedings with respect to such application, be dismissed in accordance with the requirements of § 3.607 and footnote 10, § 1.371 of the rules.

11. *It is further ordered,* That the Board of Vocational and Adult Education, Milwaukee, Wisconsin, an applicant for a noncommercial educational television station on Channel 10 in Milwaukee (BPET–19), is made a party to the proceedings and will be permitted, upon its request, to participate in the oral argument ordered above.

12. *It is further ordered,* That the oral argument herein is calendared as argument No. 5 in the Commission's notice of oral argument for that date.

Adopted: January 23, 1953.

Released: January 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1135; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket No. 10335]

WESTERN UNION TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of the Western Union Telegraph Company, complainant, v. RCA Communications, Inc., defendant; Docket No. 10335.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of January 1953;

The Commission, having under consideration:

(a) The formal complaint of The Western Union Telegraph Company (Western Union), dated October 23, 1952, wherein it is alleged that insofar as Rule 17.01 on 2d Revised Page No. 66 of RCA Communications, Inc. (RCAC) Tariff FCC No. 60 makes provision for the furnishing of teleprinters and teleprinter tie-lines, at the expense of RCAC, to customers located in the "metropolitan areas" of cities within which its operating offices are located, it is vague and defective and therefore contrary to the requirements of § 61.55 (f) of the Commission's rules and regulations; that the provision is contrary to the provisions of the "Formula, pursuant to section 222 (e) (1) of the Communications Act of 1934, as amended, for the Distribution of Outbound International Traffic handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." (Formula) prescribed by the Commission in its Report and Order of September 27, 1943, in Docket No. 6517, In the Matter of the Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc., 10 FCC 184 (1943); and that the provision raises questions of compliance with section 214 of the Communications Act of 1934, as amended;

(b) The answer of RCAC to the aforementioned complaint, dated November 26, 1952, wherein RCAC denies in general, the allegations of Western Union contained in the aforementioned complaint;

It appearing, that the term "metropolitan areas" in the aforementioned RCAC tariff, in the absence of definitive language indicating the exact geographical areas intended to be included, might have various meanings, so that such provision may not be clear and explicit as required by § 61.55 (f) of the Commission's rules;

It further appearing, that a question is presented as to whether the aforementioned tariff provision whereby RCAC offers to provide teleprinters beyond the corporate limits of the gateway cities in which it operates (New York, N. Y., Washington, D. C., and San Francisco, California) is contrary to the provisions of the aforementioned Formula which establishes one set of quotas covering traffic originating in the three gateway cities and separate sets of quotas for traffic originating at hinterland points, since certain of the customers in "metropolitan areas" of the gateway cities may be located in the hinterland points while their traffic maybe regarded as gateway traffic for quota purposes under the Formula;

It further appearing, that the practice of RCAC in offering to furnish teleprinters to customers in "metropolitan areas" of cities in which it operates, raises questions of compliance with the requirements of section 214 of the Communications Act of 1934, as amended, in that certain customers furnished such facilities might be located more than ten (10) miles from the operating office of RCAC whereas in these circumstances, such facilities may not be provided unless a certificate of public convenience and necessity is first obtained from the Commission;

It further appearing, That questions are presented to the justness and reasonableness, under section 201 of the Communications Act of 1934, as amended, of the practice and regulations provided for in the tariff schedule in question;

It is ordered, That pursuant to the provisions of sections 201, 208, 214, and 222 of the Communications Act of 1934, as amended, a public hearing shall be held on the issues presented by the pleadings herein;

It is further ordered, That without in any way limiting the presentations which the parties herein may make with respect to all of the issues raised by the pleadings herein, said parties shall present evidence with respect to the following specific issues:

(a) Whether the term "metropolitan areas" as used in the aforementioned RCAC tariff schedule in question, in the absence of definitive language indicating the exact geographical areas intended to be included in the gateway cities in

which the carrier operates, is in violation of § 61.55 (f) of the Commission's rules;

(b) Whether the aforementioned practice of RCAC in offering to provide teleprinters to customers located beyond the corporate limits of the gateway cities in which it operates, as set forth in the tariff schedule in question, may result in violation of the aforementioned Formula;

(c) Whether the aforementioned offering of RCAC to furnish teleprinters to customers located in "metropolitan areas" of cities in which it operates is lawful under section 214 of the Communications Act of 1934, as amended;

(d) Whether the aforementioned practice and regulations of RCAC provided for in the tariff schedule in question is lawful under section 201 of the Communications Act of 1934, as amended, particularly in view of the Commission's decision in Dockets Nos. 5910 and 6104, In the Matter of Globe Wireless Ltd., etc., 9 FCC 80 (1942);

It is further ordered, That hearings in this matter shall be held at the offices of the Commission in Washington, D. C., beginning at 10:00 o'clock on the 3d day of March 1953;

It is further ordered, That copies of this order shall be served upon the complainant and the defendant herein.

Released: January 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1136; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket Nos. 10246, 10247, 10317]

OREGON TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Oregon Television, Inc., Portland, Oregon, Docket No. 10246, File No. BPCT-938; Columbia Empire Telecasters, Inc., Portland, Oregon, Docket No. 10247, File No. BPCT-982; Northwest Television and Broadcasting Company, Portland, Oregon, Docket No. 10317, File No. BPCT-1059; for construction permits for new television stations (Channel 12).

The Commission having under consideration the oral motion made jointly on the record of a conference held on January 22, 1953, by counsel for the three applicants in the above-entitled proceeding and for the Broadcast Bureau, that the hearing in the above-entitled proceeding now scheduled for February 12, 1953, be continued; and

It appearing, that the further hearing will be more extended than was anticipated at the time the February 12th date was fixed and cannot be concluded in one day as was believed at the time such date was fixed; and

It further appearing, that the time which it is now believed will be required for the completion of the hearing in this proceeding would not be available immediately following the presently scheduled hearing date of February 12th due to the hearings on the Portland Channel 8 and Channel 6 proceedings;

It is ordered, This the 22d day of January 1953, that the oral motion for continuance be and the same is hereby granted and the further hearing in the above-entitled proceeding is continued to April 15, 1953, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1137; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket Nos. 10285, 10352]

PORT ARTHUR COLLEGE AND SMITH RADIO CO.

ORDER CONTINUING HEARING

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; for construction permits for new television stations.

The Commission having under consideration a petition filed by the Chief of the Commission's Broadcast Bureau on January 12, 1953, requesting that the hearing in this proceeding be continued indefinitely in order that the administrative procedure required by the filing of the application of the Jefferson Amusement Company, File No. BPCT-1440, and various pleadings, referred to in the petition, can be completed; an opposition to such petition filed by Joe B. Carrigan, Trustee, and James K. Smith, a partnership, d/b as Smith Radio Company, on January 16, 1953; oral argument heard on January 22, 1953, which was participated in by counsel for all parties to this proceeding and for the Broadcast Bureau of the Commission; and the Commission's order of December 12, 1952, continuing the hearing herein from December 15, 1952, to January 26, 1953;

It appearing, that a question is presented as to whether the aforesaid application of Jefferson Amusement Company should be dismissed or should be consolidated for hearing with the applications in the above-entitled proceeding pursuant to the provisions of § 1.387 (b) (3) of the Commission's rules; that a determination of this question and of other questions, raised by pleadings filed by parties herein and referred to in the petition for continuance, prior to the commencement of the hearing in the above-entitled proceeding, will best conduce to the proper dispatch of business and to the ends of justice; and that the amount of time necessary for the Commission to complete its consideration of such pleadings and determination of these questions, in view of its pending workload, cannot be estimated definitely at this time;

It is ordered, This 22d day of January 1953, that the petition of the Chief of the Commission's Broadcast Bureau is granted and the hearing in the above-entitled proceeding, now scheduled for January 26, 1953, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1138; Filed, Feb. 3, 1953; 8:48 a. m.]

[Docket No. 10151]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company, divestment of its international telegraph operations in accordance with section 222 (c) (2) of the Communications Act of 1934, as amended; Docket No. 10151.

The Commission having under consideration a petition filed January 23, 1953 by RCA Communications, Inc., requesting the further hearing in the above-entitled proceeding now scheduled to begin January 28, 1953, be continued until February 18, 1953; and

It appearing that the reason for the requested continuance is the fact that the attorney for petitioner, one of the respondents, is ill and will not be able to appear on the presently scheduled hearing date of January 28, 1953; and

It appearing that counsel for the several parties in the hearing have consented to the requested continuance and that action may be taken on the petition immediately, and good cause having been shown that the petition for continuance be granted;

It is ordered, this the 23d day of January 1953, that the above-mentioned petition for continuance be and the same is hereby granted and the further hearing is continued to Wednesday, February 18, 1953, beginning at 10:00 a. m., in the Offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1139; Filed, Feb. 3, 1953; 8:49 a. m.]

[Docket No. 10379]

KEY BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Key Broadcasting System, Inc., Bay Shore, New York, for construction permit; Docket No. 10379, File No. BP-8422.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1300 kc, 250 w, Day, at Bay Shore, New York;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the pro-

posed station; but that the application may involve interference with Radio Station WTNJ, Trenton, New Jersey; that the application does not comply with the provisions of the rules and Standards of Good Engineering Practice relating to the requirements for the assignment of Class IV stations to regional channels and may be in contravention of § 3.35 of the rules; and

It further appearing, that by letter dated November 5, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiencies and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that the applicant filed a reply in response to the above-mentioned letter; that Radio Station WTNJ filed a reply to the Commission's letter and requested the subject application be designated for a hearing because of the interference to its operation; that the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest, and moreover, is of the opinion that under Section 316 of the Communications Act of 1934, as amended, a hearing is mandatory;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Radio Station WTNJ, Trenton, New Jersey and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to the requirements for the assignment of Class IV stations to regional channels.

4. To determine the overlap, if any, which would exist between the service areas of the proposed station and of Station WKBS, Oyster Bay, New York, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission rules.

It is further ordered, That Radio Station WTNJ, Trenton, New Jersey, is made a party to this proceeding.

Released: January 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1140; Filed, Feb. 3, 1953; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-996, G-1429, G-1526, G-1816, G-1817, G-1818, G-1916, G-1917, G-1918, G-1919, G-1920, G-1923, G-1924, G-1926, G-1927, G-2111]

NORTHWEST NATURAL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 28, 1953.

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipeline Corporation, Docket No. G-1429; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company; Docket Nos. G-1918, G-1926, G-1927; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924, G-2111.

On March 27, 1952, the Commission by order consolidated, for purpose of hearing, the above-entitled proceedings, other than the proceeding in Docket No. G-2111, and fixed the date for hearing thereon to commence on June 16, 1952.

The consolidated hearing was recessed on July 7, 1952, by the Presiding Examiner, subject to further order of the Commission. On November 25, 1952, the Commission by order reconvened the consolidated hearing to commence on February 16, 1953, and required that additional information and data, on which Applicants propose to rely, be submitted on or before January 16, 1953.

On January 16, 1953, in Docket No. G-2111, Tran-Northwest Gas, Inc.[1] filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: The issues posed by the aforesaid application, filed January 16, 1953, in Docket No. G-2111, appear to be interrelated with those posed by other applications in the above-entitled matters and should be consolidated with those matters for purpose of hearing.

The Commission orders: The aforesaid proceeding on the application filed by Trans-Northwest Gas, Inc. in Docket No. G-2111, be and the same is hereby consolidated with the other above entitled matters for purpose of a public hearing thereon reconvened to commence on February 16, 1953 at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

[1] Trans-Northwest Gas, Inc. is an applicant in the consolidated proceedings for a permit pursuant to section 3 of the Natural Gas Act, in Docket No. G-1923, and for a Presidential permit in Docket No. G-1924, pursuant to Executive Order No. 8202 dated July 13, 1939.

Date of issuance: January 29, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1127; Filed, Feb. 3, 1953; 8:45 a. m.]

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JANUARY 29, 1953.

Public notice is hereby given that Southern California Edison Company, of Los Angeles, California, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for water-power Project No. 2017 located on San Joaquin River in Fresno and Madera Counties, with transmission lines also in Tulare and Kern Counties, California, to provide for certain changes made in the course of construction or desired to be made, and consisting principally of minor revisions in the length and location of sections of pole line carrying telephone, control and project power circuits and in the length of the 220,000-kv transmission line extending from the switchrack at the project powerhouse to the switchrack at the powerhouse of Project No. 120; exclusion of a through-road; adjustment of the project boundary; inclusion of a 350-kw turbine generator unit (already installed) in the dam, thereby increasing the installed capacity of the project from 115,000 horsepower to 115,500 horsepower; minor changes in design, location, and elevation of the spill-way gates, intake structure, conduit, penstock, and surge chamber; revision in powerhouse design from outdoor to indoor type; and addition of nine disconnect switches and one oil circuit breaker in switchyard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 19th day of March 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1151; Filed, Feb. 3, 1953; 8:51 a. m.]

[Docket No. G-2058]

GULF INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 27, 1953.

On September 12, 1952, Gulf Interstate Gas Co. (Applicant), a Deleware corporation having its principal place of business at Houston, Texas, filed an application, which was supplemented on October 20, 1952, November 17, 1952, December 5, 1952, December 17, 1952, and January 12, 1953, for a certificate of

public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities for the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, all as more fully described in said application, as supplemented, on file with the Commission and open to public inspection.

Due notice of the filing of said application has been given, including publication in the FEDERAL REGISTER on September 26, 1952 (17 F. R. 8600).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing at 10:00 a. m., on March 2, 1953, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 29, 1953.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1128; Filed, Feb. 3, 1953; 8:45 a. m.]

[Docket No. G–2102]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 29, 1953.

Take notice that on December 15, 1952, Pacific Gas and Electric Company (Applicant) a California Corporation with its principal office in San Francisco, California, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes: (1) The construction and operation of approximately 170.3 miles of 34-inch main pipeline loops, one new 12,500 horsepower compressor station and 2,500 horsepower addition to an existing compressor station together with appurtenant facilities to increase by 151,730,000 cubic feet per day the capacity of applicant's 34-inch pipeline extending from an interconnection with the pipeline of El Paso Natural Gas Company at the Arizona-California boundary near Topock, Arizona, to a point near Milpitas, California, at the southern end of the San Francisco Bay; (2) to connect service to the Town of Boron, California, and to supplement service to the City of Bakersfield, California, area; and (3) to increase the transmission capacity of applicant's pipeline from Milpitas to applicant's East Bay distribution system by the construction of approximately 8 miles of 30-inch pipeline loop between Milpitas and Irvington, California. Applicant proposes to purchase natural gas in the above additional amount from El Paso Natural Gas Company for transportation and resale in California.

The estimated cost of the additional facilities applicant proposes to construct and operate is $26,981,851. Applicant proposes to finance the additional facilities from treasury funds on hand, from cash available from internal sources, short-term bank loans and the sale of additional securities when and as required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1148; Filed, Feb. 3, 1953; 8:50 a. m.]

[Docket No. G–2104]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JANUARY 29, 1953.

Take notice that on December 18, 1952, Southern California Gas Company, and Southern Counties Gas Company of California (Applicants) both of which are California Corporations with their principal offices at 810 South Flower Street, Los Angeles, California, filed joint application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicants propose the construction and operation of approximately 73.0 miles of 30-inch main pipeline loops, and 5,280 horsepower additional capacity to Blythe compressor station, together with appurtenant facilities to increase by 151,700,000 cubic feet per day the capacity of applicant's existing pipeline extending from an interconnection with the pipeline of El Paso Natural Gas Company at the Arizona-California boundary near Blythe, California, to a point near Santa Fe Springs in southern California. Applicants propose to purchase natural gas in the above additional amounts from El Paso Natural Gas Company for transportation and resale in southern California.

The estimated cost of the additional facilities applicants' propose to construct and operate is $7,482,194. Applicants propose to finance the additional facilities from funds currently available and later cover them by the issuance of permanent securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1149; Filed, Feb. 3, 1953; 8:50 a. m.]

[Docket No. G–2113]

WASHINGTON GAS LIGHT CO. AND PRINCE GEORGE'S GAS CORP.

NOTICE OF APPLICATION

JANUARY 29, 1953.

Take notice that Washington Gas Light Company (Washington), a corporation organized and existing under the laws of the United States, having its principal place of business at Eleventh and H Streets NW., Washington, D. C., and Prince George's Gas Corporation (Prince George's), a Maryland corporation having its principal place of business at Chillum, Maryland, filed on January 22, 1953, a joint application for a certificate of public convenience and necessity to Washington pursuant to section 7 (c) of the Natural Gas Act to acquire and operate all the facilities and properties of Prince George's, and for permission and approval to Prince George's pursuant to section 7 (b) of the Natural Gas Act to abandon all of its facilities and properties by transfer to Washington, all as hereinafter described.

Prince George's is a wholly owned subsidiary of Washington and the transfer would be effected without any cash payments. Prince George's owns and operates separate 12, 16, and 22-inch pipelines which transport gas from a point near Rockville, Maryland, to the District of Columbia, a storage and compressor station, and other facilities, all of which originally cost over $4,500,000.

Washington states that no new services are proposed and that it would operate the facilities involved in the same manner and render the same services now being performed. Joint applicants state that their facilities are fully integrated with each other and with those of Washington Gas Light Company of Maryland, Inc. Washington also proposes to acquire and operate all the facilities of this latter company which it states is engaged in distributing and selling gas at retail.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1150; Filed, Feb. 3, 1953; 8:51 a. m.]

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[1] Chairman Buchanan dissenting.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–139, 59–100]

MIDDLE SOUTH UTILITIES, INC., ET AL.

ORDER CONVENING HEARING

JANUARY 29, 1953.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service, Inc., respondents; File No. 59–100 and Electric Power & Light Corporation, File No. 54–139.

On March 7, 1949, the Commission issued its order (Holding Company Act Release No. 8906) approving, under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), a plan for the dissolution of Electric Power & Light Corporation ("Electric"), a registered holding company. Subsequent to approval by the United States District Court, the plan was consummated in May and July, 1949. That plan, which provided for the dissolution of Electric and the retirement of its outstanding securities through the exchange of certain other securities, also provided for the creation of a new holding company, Middle South Utilities, Inc. ("Middle South"), which acquired all of the common stocks of Arkansas Power & Light Company ("Arkansas"), Louisiana Power & Light Company ("Louisiana"), Mississippi Power & Light Company ("Mississippi") and 95.2 percent of the common stock of New Orleans Public Service, Inc. ("New Orleans"). Each of these companies owned electric utility assets and gas utility assets and in addition, some of these companies owned non-utility assets. Middle South also acquired from Electric all of the securities of Gentilly Development Company ("Gentilly"), a non-utility land company.

The Commission in its findings and opinion upon the plan (Holding Company Act Release No. 8889) stated that it could approve the creation of Middle South as a holding company although it was not prepared at that time to make definitive findings under section 11 of the act with respect to the integrated nature of the electric properties or the retainability of the non-electric properties. The Commission said:

> The record indicates that the electric properties of the four operating companies are interconnected and that since 1930 they have been constructed and operated on a system-wide basis. This system has a common dispatcher and an operating committee which forecasts the loads, prepares over-all schedules and gives general directions to the dispatcher.[10] The construction requirements of the companies are formulated on a system rather than on an individual basis. Thus, the determination of sites and ownership of generating facilities has been on the basis of the most economical and efficient installation from the viewpoint of the system's load requirements rather than the requirements of the individual companies.

[10] While the operating committee is composed of representatives from each of the operating companies, the nature of their functions is such as to make them representatives of the system rather than of the individual companies.

In its order of March 7, 1949, the Commission reserved jurisdiction to institute and conduct such further proceedings under section 11 (b) of the act with respect to Middle South as may be necessary or appropriate.

Since the organization of Middle South, some of its subsidiary companies have disposed of various assets and Gentilly has disposed of its lands and now holds only cash. At the present time, Arkansas owns electric utility assets and steam properties; Louisiana owns electric utility assets, gas utility assets, and water properties; Mississippi owns electric utility assets and water properties; and New Orleans owns electric utility assets, gas utility assets, and transportation properties.

It appearing to the Commission that a further hearing should be held for the purpose of determining whether the jurisdiction heretofore reserved should be released, or whether any further action should be taken by Middle South to bring itself into conformity with the standards of section 11 (b) (1) of the act:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder that a hearing be held on February 19, 1953, at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., for the purpose of determining whether the jurisdiction heretofore reserved should be released or, in the alternative, what further action should be required to be taken by Middle South and its subsidiary companies to bring them into compliance with section 11 (b) (1) of the act. On such day the hearing room clerk will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Commission on or before February 17, 1953, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that, upon the basis of its preliminary examination of the record heretofore made in the section 11 (e) plan proceedings of Electric, that the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the jurisdiction heretofore reserved in the order of March 7, 1949, with respect to the Middle South holding company system under section 11 (b) of the act should be released.

2. Whether the Commission's prima facie determination that the electric utility assets of the Middle South holding company system constitute an integrated electric utility system as defined in section 2 (a) (29) (A) of the act and constitute its principal public-utility system as set forth in section 11 (b) (1) of the act should be made definitive and final.

3. Whether Middle South and Louisiana should be required to take action to dispose of the gas utility assets and non-utility assets of Louisiana and, if so, what terms and conditions should be imposed in connection therewith.

4. What further action should be required at this time of the respondents under section 11 (b) (1) of the act.

It is further ordered, That such respondents shall file with the Secretary of the Commission on or before February 17, 1953, their joint or several answers in the form prescribed by Rule U-25 under the act, such answers to be directed to the issues herein set forth.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the respondents named herein and to the Arkansas Public Service Commission, the Louisiana Public Service Commission, and the Commissioner of Public Utilities of the City of New Orleans, and that additional notice be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission with respect to this notice and order to be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53–1130; Filed, Feb. 3, 1953; 8:45 a. m.]

[File No. 70–2979]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION IN RESPECT OF ISSUANCE OF BANK NOTES AND RESERVING JURISDICTION IN RESPECT OF PROPOSED ISSUANCE OF SUCH NOTES

JANUARY 29, 1953.

Interstate Power Company ("Interstate"), a registered holding company and an operating public utility company, has filed a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act").

Interstate proposes to issue and sell, at the principal amount thereof, on or before April 30, 1953, and on or before November 15, 1953, notes in the aggregate principal amounts of $2,000,000 and $2,300,000, respectively. The notes are to bear interest at the rate of 3¼ percent per annum, are to mature 360 days from the dates of issuance or April 15, 1954, whichever date is the earlier, and are to be issued to the Chase National Bank of the City of New York and to Manufacturers Trust Company in equal amounts not to exceed $2,150,000 to each bank in accordance with the terms of a loan agreement dated December 1, 1952. An aggregate commitment fee of $5,750 is to be paid in equal proportions to said banks. The notes are to be prepayable in whole or in part at any time without pre-

mium, provided however, that if such prepayment is to be made from, or in anticipation of, any bank borrowing the company is to pay a premium calculated at the rate of 1 percent per annum on the principal amount so prepaid from the date of prepayment to the maturity date of such notes.

Interstate has requested the Commission to authorize, at this time, the issuance and sale of $2,000,000 aggregate principal amount of such notes in equal amounts to said banks on or before April 30, 1953, and to reserve jurisdiction in respect of the issuance and sale of the additional $2,300,000 principal amount of such notes. It is stated that the proceeds of the $2,000,000 of notes presently to be issued are to be used to redeem a like principal amount of notes of Interstate due April 30, 1953, held by said banks.

Said declaration having been filed on December 29, 1952, and the amendment thereto having been filed on January 12, 1953, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing in respect of said declaration, as amended; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith, and the Commission deeming it appropriate that said declaration, as amended, be permitted to become effective forthwith, without the imposition of conditions other than those prescribed by Rule U-24, and the Commission also deeming it appropriate to grant declarant's request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declarations, as amended, in respect of the issuance and sale by Interstate of $2,000,000 aggregate principal amount of 3¼ percent notes, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved over the issuance and sale by Interstate of an additional $2,300,000 principal amount of 3¼ percent notes until a further order shall have been issued in respect thereof by this Commission.

It is further ordered, That this order shall become effective immediately upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 53-1129; Filed, Feb. 3, 1953; 8:45 a. m.]

W. EARLE LUTTS AND W. E. LUTTS & CO.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

JANUARY 28, 1953.

In the matter of W. Earle Lutts, d/b/a, W. E. Lutts & Company, 3 Capital Street, Concord, New Hampshire.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether W. Earle Lutts ("registrant"), a sole proprietor doing business as W. E. Lutts & Company, is now permanently enjoined by decree of a court of competent jurisdiction from engaging in or continuing certain conduct and practices in connection with the purchase and sale of securities, and, if so, whether it is in the public interest to revoke his registration with this Commission as a broker-dealer.[1]

In response to our order for proceedings, registrant filed an "answer and consent" in which he waived a hearing, proposed findings, briefs, and oral argument, admitted the existence of the facts and cause of action set forth in the order for proceedings for the purpose of this or any other proceeding ordered by the Commission under section 15 of the Exchange Act, and consented to the entry of an order revoking his registration as a broker and dealer.

Registrant admits, and we find, that on September 12, 1952, the United States District Court for the District of New Hampshire entered a final judgment permanently enjoining registrant from using the mails or means of interstate commerce to accept money and securities on the representation that he is able to execute orders without disclosing that he is unable to meet his current liabilities, to transact a business in securities unless he makes and keeps current books and records and files accurate annual financial reports, or to engage in any act, practice or course of business which would operate as a fraud and deceit upon any person in connection with the purchase or sale of any security.[2]

On the basis of the foregoing, we conclude that it is in the public interest to revoke registrant's registration as a broker and dealer.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of W. Earle Lutts, doing business as W. E. Lutts & Company, be, and it hereby is, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1131; Filed, Feb. 3, 1953; 8:46 a. m.]

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[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security * * *"

[2] S. E. C. v. W. Earle Lutts, Civil Action File No. 1081 (D. C. N. H. 1952) (unreported).

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27750]

VERMICULITE FROM TRAVELERS REST, S. C., TO POINTS IN OFFICIAL (INCLUDING ILLINOIS) TERRITORY

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, broken, crushed or ground, dried or not dried, not expanded, carloads.

From: Travelers Rest, S. C.

To: Points in official (including Illinois) territory.

Grounds for relief: Rail and market competition, circuity, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1142; Filed, Feb. 3, 1953; 8:49 a. m.]

[4th Sec. Application 27751]

PETROLEUM PRODUCTS FROM FULLERVILLE, TEX., TO POINTS IN SOUTHWESTERN, SOUTHERN, OFFICIAL, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum, its products, and related articles, carloads.

From: Fullerville, Tex.

To: Points in southwestern, southern, official, and western trunk-line territories.

Grounds for relief: Rail competition, circuity, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585—Supp. 536, No. 3802—Supp. 135, No. 3825—Supp. 166, No. 3651—Supp. 309, No. 3724—Supp. 164, No. 3494—Supp. 264.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1143; Filed, Feb. 3, 1953; 8:49 a. m.]

[4th Sec. Application 27752]

COAL FROM HAZARD DISTRICT KENTUCKY MINES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Coal, carloads.

From: Hazard district, Ky., (L&N) mines.

To: Points in southeastern and Carolina territories.

Grounds for relief: Rail and market competition, circuity, and grouping.

Schedules filed containing proposed rates: L&N RR. tariff I. C. C. No. A-16745, Supp. 30. C. A. Spaninger, Agent, I. C. C. No. 1332, Supp 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1141; Filed, Feb. 3, 1953; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

FIELD OFFICE LOCATIONS

ORGANIZATIONAL STATEMENT

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), the Organizational Statement (17 F. R. 675) as amended (17 F. R. 7515, 8937, 10124) is further amended in the following respects:

The description of the location and area of Regions I, II, III, IV, VI, VII, and X contained in Article LLL, section 33 *Locations of Field Offices*, is amended by deleting the following branch offices:

REGION I—BOSTON, MASSACHUSETTS

Springfield, Massachusetts.

REGION II—NEW YORK

Albany, New York.
Buffalo, New York.
Rochester, New York.
Trenton, New Jersey.

REGION III—PHILADELPHIA, PENNSYLVANIA

Erie, Pennsylvania.
Camden, New Jersey.

REGION IV—RICHMOND, VIRGINIA

Norfolk, Virginia.
Raleigh, North Carolina.

REGION VI—CLEVELAND, OHIO

Toledo, Ohio.
Columbus, Ohio.
Cincinnati, Ohio.
Grand Rapids, Michigan.

REGION VII—CHICAGO, ILLINOIS

Springfield, Illinois.
Peoria, Illinois.
Green Bay, Wisconsin.

REGION X—DALLAS, TEXAS

Fort Worth, Texas.
Lubbock, Texas.
Shreveport, Louisiana.
Tulsa, Oklahoma.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1216; Filed, Feb. 2, 1953; 2:23 p. m.]

[Delegation of Authority 52, Revision 1, Amdt. 1]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICE ADJUSTMENTS PURSUANT TO SECTION 91 OF CPR 117, REV. 1

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, as amended, this Amendment 1 to Delegation of Authority 52, Revision 1, is hereby issued.

Delegation of Authority 52, Revision 1, section 1, is amended to read as follows:

1. *Authority to act under sections 36, 53, and 91 of CPR 117, Revision 1.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act, by order, on all applications under the provisions of sections 36, 53, and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Delegation of Authority 52, Revision 1, shall be effective February 9, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1257; Filed, Feb. 3, 1953; 4:01 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 14]

JOSEPHINE COUNTY, OREGON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Josephine County, Oregon, Marketing Area.

The Office of Price Stabilization was requested by distributors in the Josephine County, Oregon, Marketing Area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There is a large number of heating oil sellers at the tank wagon level in this region and the need for relief is not uniform, but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis, rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area within the boundaries of Josephine County, Oregon.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Josephine County, Oregon, Marketing Area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.003 per gallon. The Josephine Coun-

ty Marketing Area is defined as the area within the boundaries of Josephine County, Oregon.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. THISSEN,
Acting Regional Director,
Region XIII,
Office of Price Stabilization.

JANUARY 29, 1953.

[F. R. Doc. 53-1117; Filed, Jan. 29, 1953; 4:56 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 15]

WALLA WALLA, WASHINGTON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Walla Walla Marketing Area.

The Office of Price Stabilization was requested by distributors in the Walla Walla Marketing Area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Walla Walla marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.005 per gallon. The Walla Walla marketing area is defined as the area in which dealers located in Walla Walla and College Place make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. THISSEN,
Acting Regional Director,
Region XIII,
Office of Price Stabilization.

JANUARY 29, 1953.

[F. R. Doc. 53-1118; Filed, Jan. 29, 1953; 4:56 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 16]

YAKIMA, WASHINGTON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Yakima marketing area.

The Office of Price Stabilization was requested by distributors in the Yakima marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Yakima marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.004 per gallon. The Yakima marketing area is defined as that area in which dealers located in Yakima, Union Gap, and Selah make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on January 30, 1953.

E. R. THISSEN,
Acting Regional Director,
Region XIII,
Office of Price Stabilization

JANUARY 29, 1953.

[F. R. Doc. 53-1119; Filed, Jan. 29, 1953; 4:56 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 47]

SOUTH LEWISBURG FIELD, ACADIA PARISH, LOUISIANA

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differential heretofore imposed upon crude condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana. During the base period full production had not been attained; installation of adequate pipe line transportation was not then available; and there was a lack of competitive factors and, as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and this differential should no longer be imposed.

From the information available to this Office, it appears that this requested price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the South Lewisburg Field, Acadia Parish, Louisiana shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on January 30, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 29, 1953.

[F. R. Doc. 53-1120; Filed, Jan. 29, 1953; 4:57 p. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 18 NUMBER 24

Washington, Thursday, February 5, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DEFINITIONS; MAXIMUM STIPENDS PRESCRIBED

1. Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 25.11 is amended by adding a new fourth sentence. As amended, the paragraph will read in pertinent part as follows:

§ 25.11 *Definitions.* * * *

(e) "Waiting period" is the minimum time requirement of creditable service without an equivalent increase in compensation in order to be eligible for consideration for a periodic step-increase. The waiting period for either full-time or regular part-time employees is 52 calendar weeks for grades with step-increases of less than $200, and 78 calendar weeks for grades with step increases of $200 or more. (A calendar week is a total of any 7 calendar days before, beginning with, or after a specified day.) The waiting period shall not be interrupted where the employee's services are terminated on the last day of his regularly scheduled administrative workweek and his next appointment is made effective on the first day of the next regularly scheduled administrative workweek for his new position. Creditable service, in the computation of waiting periods, includes: * * *

(Sec. 1101, 63 Stat. 971; 5 U. S. C. Sup. 1072)

2. Effective February 1, 1953, the maximum stipends prescribed in § 27.2 for medical or dental interns and residents at Gallinger Municipal and Freedmen's Hospitals are revoked. The stipends which are presently prescribed under the heading "All other Federal hospitals" will be applicable to medical or dental interns and residents at Gallinger Municipal and Freedmen's Hospital as well. The revised provision on maximum stipends for medical or dental interns and residents will read as follows:

§ 27.2 *Maximum stipends prescribed.* * * *

Medical or dental interns and residents—

Approved internship, per year	$2,800
First year approved residency	3,400
Second year approved residency	3,800
Third year approved residency	4,200
Fourth year approved residency	4,700

NOTE: Maximum stipends for Canal Zone Government and Panama Canal Company are 25 percent above these rates.

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-1211; Filed, Feb. 4, 1953; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF THE 13 (a) (2) AND 13 (a) (4) EXEMPTIONS TO MONUMENT DEALERS

Part 779 is hereby amended by adding a new section numbered § 779.30 to read as follows:

§ 779.30 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to monument dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and the 13 (a) (4) exemptions apply to monument dealers' establishments, particularly where the establishment is engaged in performing certain processing operations on the monuments it sells.

(b) Monument dealers' establishments may be roughly divided into four types:

(1) Establishments which are engaged exclusively in selling monuments and

(Continued on next page)

CONTENTS

	Page
Alien Property, Office of	
Notices:	
Miele, Heinrich Johann Joseph Gerhard; vesting order	754
Army Department	
See also Engineers Corps.	
Rules and regulations:	
Payment of bills and accounts; miscellaneous amendments	751
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
National Airlines; final mail rate proceeding	754
North Star Aircoach Agency, et al.; enforcement proceeding	754
Civil Service Commission	
Rules and regulations:	
Definitions; maximum stipend prescribed:	
Federal Employees' Pay Regulations	749
Exclusion from provisions of Federal Employees Pay and Classification Acts, as amended, and establishments of maximum stipends for positions in Government hospitals filled by student or resident trainees	749
Commerce Department	
See Federal Maritime Board.	
Defense Department	
See Army Department.	
Defense Mobilization, Office of	
Notices:	
Notification to Department of Defense and General Services Administration of placement of procurement in certain areas:	
Connorsville, Ind	755
Danielson, Conn	755
Joplin, Mo	755
Norwich, Conn	755
Economic Stabilization Agency	
See Price Stabilization, Office of.	
Engineers Corps	
Rules and regulations:	
Navigation regulations; Oakland Harbor in vicinity of Naval Supply Center	753

FEDERAL REGISTER

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CONTENTS—Continued

Federal Communications Commission Page
Notices:
Peoples Broadcasting Co. and WGAL, Inc. (WGAL-TV); order continuing hearing---- 755

Federal Maritime Board
Notices:
Member lines of West Coast of India and Pakistan/U. S. A. conference; member lines of Ceylon/U. S. A. conference; approval of agreements---- 754

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Cement from Des Moines and West Des Moines to Sioux City, Iowa---- 758
Coal from West Virginia and Virginia to Paris and Frankfort, Ky---- 757
Feeding grains from Colorado and Kansas to Colorado and Wyoming---- 758
Fertilizers from the Southwest and Kansas to Tennessee-- 758
Lumber from North Pacific Coast to specified points in Wisconsin---- 759
Paints and paint materials from Chicago, Ill., Milwaukee and Racine, Wis., to points in Arkansas, Oklahoma, and Texas---- 757
Petroleum and products from Fort Chadbourne, Tex., to points in southwestern, southern, official, and western trunk-line territories-- 759

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Soybeans from Memphis, Tenn., and Helena, Ark., to New Orleans, La---- 759
Woodpulp from:
Coosa Pines, Ala., to Iron Mountain, Mich---- 757
St. Marys, Ga., to Gilman, Vt---- 758

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska; notice of proposed transfer of jurisdiction---- 755
Rules and regulations:
Washington; transferring lands reserved for Department of Army and Atomic Energy Commission under certain public land orders and partially revoking Public Land Order 261---- 753

Price Stabilization, Office of
Rules and regulations:
Imports; imported steel (CPR 31, SR 2)---- 752
Services; hand laundries in Philadelphia, Pa. (CPR 34, SR 39)---- 752

Renegotiation Board
Rules and regulations:
Mandatory exemptions from renegotiation; miscellaneous amendments---- 751

Securities and Exchange Commission
Notices:
Hearings, etc.:
Electric Energy, Inc., et al--- 756
Empire Securities Corp---- 756
New England Electric System---- 756

Wage and Hour Division
Rules and regulations:
Retail or service establishment and related exemptions; application of certain exemptions to monument dealers-- 749

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page
Chapter I:
Part 25---- 749
Part 27---- 749

Title 29
Chapter V:
Part 779---- 749

Title 32
Chapter V:
Part 535---- 751
Chapter XIV:
Part 1453---- 751

CODIFICATION GUIDE—Con.

Title 32A Page
Chapter III (OPS):
CPR 31, SR 2---- 752
CPR 34, SR 39---- 752

Title 33
Chapter II:
Part 207---- 753

Title 43
Chapter I:
Appendix (Public land orders):
165 (see PLO 881)---- 753
191 (see PLO 881)---- 753
261 (see PLO 881)---- 753
881---- 753

memorials from designs. They receive their monuments from a manufacturer completely finished and lettered and they then erect the monuments.

(2) Establishments which purchase finished monuments from manufacturers, display them, carve or sand-blast lettering or incidental decoration to order, and set them in cemeteries or elsewhere.

(3) Establishments which purchase finished and semi-finished work. The semi-finished work consists of sawed, steeled, or polished granite slabs or sand-rubbed marble. In such a case the establishments will cut ends, tops, or joints on dies and may shape a base.

(4) Establishments which purchase stone in rough form and perform all the fabricating operations in their own plants.

In such a case the establishments may saw or line-up the rough stones, machine surface and polish the stone and then perform the other operations necessary to complete the monument. They may finish the monuments for display or on special order and then erect them.

(c) In applying the tests of the 13 (a) (2) exemption the ordinary sale of a tombstone or monument will be considered as a retail sale in the industry within the meaning of the exemption. If any monument dealer establishment meets the tests of the 13 (a) (2) exemption (see § 779.6) all employees employed by it will be exempt under that exemption except those employees who are engaged in the making or processing of the goods. However, carving or sand-blasting of lettering or incidental decoration or erecting the monuments, is considered processing incidental to the making of retail sales and would not defeat the 13 (a) (2) exemption for employees performing such work.

(d) Employees who engage in processing semi-finished or rough granite or marble or other stone into finished monuments such as the work performed in the third and fourth types of establishments are engaged in the making or processing of goods and are not, for that reason, exempt under section 13 (a) (2). In order for those employees to be exempt the establishment by which they are employed must meet the tests of the 13 (a) (4) exemption. See § 779.18. It will be noted that one of the requirements of that exemption is that the establishment must be recognized as a

retail establishment in the industry. Generally an establishment of the third type which receives finished stock and in addition receives some semi-finished work, including sawed, steeled, or polished granite slabs or sand-rubbed marble, etc., and performs such operations as cutting ends, tops, or joints on the dies, is a type of establishment which is recognized as a retail establishment in the industry. On the other hand, those establishments which characteristically engage in the sawing or lining-up of rough stone, or in the machine surfacing and polishing of stone, such as the activities performed in an establishment of the type mentioned in paragraph (b) (4) of this section, are not recognized as retail establishments in the particular industry within the meaning of section 13 (a) (4). Therefore, their employees who engage in such processing of monuments are not exempt under this section of the act.

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 30th day of January 1953.

WM. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53–1195; Filed, Feb. 4, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

MISCELLANEOUS AMENDMENTS

Sections 535.6 (a), 535.7 (a), 535.8 (a) and 535.9b (e) are amended to read as follows:

§ 535.6 *Discounts*—(a) *Responsibility for prompt rendering of invoices.* The responsibility for promptly furnishing a correct invoice, or bill, for deliveries under a contract is that of the contractor and the Government is entitled to discount offered for prompt payment, if payment is made within the discount period after receipt of a correct invoice. Date of receipt of invoice will be shown thereon. Discounts should not be taken on vouchers when the discount date has expired prior to payment. If a voucher has been certified for an amount which is the total amount less the computed discount but the discount date has expired, the finance officer will make payment in full amount, if otherwise proper, without returning the voucher to the certifying officer for certification in the full amount due.

* * * * *

§ 535.7 *Advance payments*—(a) *Advances of public money*—(1) *Advances prohibited.* No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. (See R. S. 3648; sec. 11, Act August 2, 1946 (60 Stat. 809; 31 U. S. C. 529)).

(2) *Advances permitted.* Section 3648, Revised Statutes, shall not apply, in the case of payments made from appropriations contained in the current appropriation act, to payments made in compliance with the laws of foreign countries or their ministerial regulations; to payments for rent in such countries for such periods as may be necessary to accord with local custom; or to payments made for tuition. See current Department of Defense Appropriation Act.

* * * * *

§ 535.8 *Partial payments*—(a) *Unnumbered contracts.* Partial payments, not to exceed five in number on any given contract, may be made with respect to partial deliveries under unnumbered contracts, including purchase orders, amounting to less than $20,000 (which provide for single payment): *Provided,* That the original signed contract is attached to the first payment voucher. There will be indicated on each payment voucher reference to all preceding payments under the contract showing: Name of disbursing officer; period of account; voucher number; and amount paid. (See MS Comp. Gen. B 45107, April 22, 1952.)

* * * * *

§ 535.9b *Adjustments.* * * *

(e) *Adjustments after final payment.* (1) Supplemental payments to a contractor may be made after the final settlement voucher has been paid where it is clear from the facts in the case, in which both the contractor and the contracting officer concur, that the voucher previously marked "Final Payment" was so marked through error. The supplemental voucher will be marked "Final Payment," with appropriate citation to the previous so-called final payment voucher, and will have attached thereto, in addition to other required supporting papers, the complete file of correspondence or other papers substantiating the facts. The supplemental final voucher will also contain the certificate "No release has been had from the contractor."

(2) Requests by contractors for relief under the provisions of the First War Powers Act, 1941, as amended, and Executive Order 10210, February 2, 1951, which authorize administrative agencies concerned with national defense to amend or modify contracts "heretofore or hereafter made" without regard to other provisions of law in order to facilitate national defense, may be considered and granted after full performance of the contract and after final payment, provided such requests are filed during performance of the contract and before final payment has been made under the contract. See 31 Comp. Gen. 685.

[C1, AR 35–3220, Jan. 15, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 3477, as amended, 3737, as amended; 31 U. S. C. 203, 41 U. S. C. 15)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–1220; Filed, Feb. 4, 1953; 8:50 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

CONTRACTS THAT DO NOT HAVE A DIRECT AND IMMEDIATE CONNECTION WITH THE NATIONAL DEFENSE

Section 1453.5 (b) is amended as follows:

1. Subparagraph (4) is deleted in its entirety and the following is inserted in lieu thereof:

(4) *Materials for authorized resale.* Contracts for the purchase of materials for authorized resale except contracts for the purchase of materials to be issued or to be sold under the monetary clothing allowance system of any of the armed services.

2. Subparagraph (12) is deleted in its entirety and the following is inserted in lieu thereof:

(12) *Corps of Engineers.* All contracts to the extent that they obligate funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, and were entered into on or before June 30, 1950; and all contracts to the extent that they obligate funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, and were entered into after June 30, 1950, and (i) obligated funds appropriated or allotted for purposes other than for one of the projects on list A as set forth below, or (ii) in the case of any project on list A, were for work or materials required for the construction or operation of navigation or flood control works, located elsewhere than on the site of the main power facility, as determined by the Corps of Engineers. The Board has determined that contracts related to the following projects on list A are directly and immediately connected with defense, except to the extent indicated above, for the reason that such projects have as part of their purposes the increase of power facilities for defense. New projects having as part of their purposes the increase of power facilities for defense may be added to the list if authorized and approved.

LIST A

Project	*River basin*
Albeni Falls, Idaho	Columbia.
Allatoona, Ga	Alabama Coosa.
Blakely Mountain, Ark	Ouachita.
Bonneville, Oreg. and Wash.	Columbia.
Buford, Ga	Chattahoochee.
Bull Shoals, Ark	White.
Center Hill, Tenn	Cumberland.
Cheatham, Tenn	Do.
Chief Joseph, Wash	Columbia.
Clark Hill, Ga. and S. C	Savannah.
Dale Hollow, Tenn	Cumberland.
Denison, Tex. and Okla	Red.
Detroit, Oreg	Willamette.
Folsom, Calif	Sacramento.
Fort Gibson, Okla	Arkansas.
Fort Peck, Mont	Missouri.
Fort Randall, S. Dak	Do.
Garrison, N. Dak	Do.
Gavins Point, Nebr. and S. Dak.	Do.

LIST A—Continued

Project	River basin
Jim Woodruff, Fla	Chattahoochee.
John H. Kerr, Va	Roanoke.
Lookout Point, Oreg	Willamette.
McNary, Oreg. and Wash	Columbia.
Narrows, Ark	Ouachita.
Norfork, Ark	White.
Oahe, S. Dak	Missouri.
Old Hickory, Tenn	Cumberland.
Philpott, Va	Roanoke.
St. Marys, Mich	St. Mary.
Tenkiller Ferry, Okla	Arkansas.
The Dales, Oreg. and Wash	Columbia.
Whitney, Tex	Brazos.
Wolf Creek, Ky	Cumberland.

3. Subparagraph (16) is deleted in its entirety and the following is inserted in lieu thereof:

(16) *Bureau of Reclamation.* All contracts to the extent that they obligate funds of the Bureau of Reclamation, and were entered into on or before June 30, 1950; and all contracts to the extent that they obligate funds of the Bureau of Reclamation, and were entered into after June 30, 1950, and (i) obligated funds appropriated or allotted for purposes other than for one of the projects, or units of the Missouri River Basin project, on list A set forth below, or (ii) in the case of any project or unit on list A, were for work or materials required for the construction or operation of irrigation works located elsewhere than on the site of the main power facility, as determined by the Bureau of Reclamation. The Board has determined that contracts related to the following projects and units on list A are directly and immediately connected with defense, and therefore cannot be exempted, except to the extent indicated above, for the reason that such projects and units have as part of their purposes the increase of power facilities for defense. New projects having as part of their purposes the increase of power facilities for defense may be added to the list of authorized and approved.

LIST A

Project	Location
Boise project, Anderson Ranch Dam	Idaho.
Boulder Canyon project, Hoover Dam and Power Plant	Arizona-Nevada.
Central Valley project	California.
Colorado-Big Thompson project	Colorado.
Columbia Basin project	Washington.
Davis Dam project	Arizona-Nevada.
Eklutna project	Alaska.
Fort Peck project	Montana.
Hungry Horse project	Montana.
Kendrick project	Wyoming.
Missouri River Basin project:	
Angostura unit	South Dakota
Boysen unit	Wyoming.
Canyon Ferry unit	Montana.
Kortes unit	Wyoming.
Missouri diversion unit, transmission division	Montana.
Palisades project	Idaho.
Rio Grande project, power division	New Mexico-Texas.
Shoshone project	Wyoming.
Weber Basin project	Utah.
Yakima project, Kennewick division	Washington.

4. A new subparagraph (17) is added to read as follows:

(17) *Military exchanges and similar organizations.* Contracts for the purchase of materials by military exchanges, ships' service stores, slop chests, post restaurants, officers' or noncommissioned officers' clubs, benefit or welfare funds and similar organizations using nonappropriated funds.

5. A new subparagraph (18) is added to read as follows:

(18) All contracts for maintenance dredging.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated February 2, 1953.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 53-1212; Filed, Feb. 4, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 31, Supplementary Regulation 2, Correction]

CPR 31—IMPORTS

SR 2—IMPORTED STEEL

Due to clerical error a misprint has occurred in section 3 (a) (2) of Supplementary Regulation 2 to Ceiling Price Regulation 31. The word "Plates" should have been printed in place of the word "Blades". Accordingly, section 3 (a) (2) of SR 2 to CPR 31 is corrected to read as follows:

2. A markup of $20.00 per ton for:

Hot and Cold rolled sheets.
Plates.
Strip.
Cold finished bars.
Quality steels (special analyses).
Nails.
Galvanized barbed wire.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1281; Filed, Feb. 4, 1953; 11:08 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 39]

CPR 34—SERVICES

SR 39—HAND LAUNDRIES IN PHILADELPHIA, PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 39 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 39 to Ceiling Price Regulation 34 permits an increase in ceiling prices for hand laundries located in Philadelphia, Pennsylvania.

Hand laundries in Philadelphia do an estimated annual volume of business amounting to approximately $750,000 annually. A study of operating costs and profit margins of a representative number of these hand laundries reveals that increased labor and material costs have impaired pre-Korean earnings of such hand laundries. In November 1952, new wage contracts were negotiated granting substantial wage increases. The wage increases are all within the formula of WSB regulations or have received WSB approval. In addition, OPS issued Supplementary Regulation 25 to Ceiling Price Regulation 34 in November 1952 granting power laundries in Philadelphia permission to increase their ceiling prices by 9 percent, thus increasing processing costs of the hand laundries. These cost increases have resulted in further impairment of the earnings of such hand laundries.

Under the provisions of this supplementary regulation, the charges of these hand laundries for their services may be increased by 10 percent. This uniform increase was determined in accordance with the standards for individual adjustment under section 20 of Ceiling Price Regulation 34. Such an adjustment may be applied to the total amount of each invoice rendered to the customer, and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the individual hand laundry, however, the ceiling price for each item may be increased by not more than 10 percent. Adjusted flat prices must within ten days after their determination, be filed with the appropriate OPS District Office.

In the future, hand laundries subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for their hand laundry services under section 20 of Ceiling Price Regulation 34.

In addition, the ceiling prices established by this supplementary regulation apply to all such hand laundry services, irrespective of any adjustment of ceiling prices heretofore granted under the provisions of Ceiling Price Regulation 34. Consequently, any adjustments granted under that regulation are automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of Section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; to U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This Supplementary Regulation permits hand laundries in Philadelphia, Pennsylvania to increase the ceiling prices of their hand laundry services by 10 percent.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, if you are a hand laundry located in Philadelphia, Pennsylvania, increase your ceiling prices for hand laundry services established under section 5 of Ceiling Price Regulation 34, by 10 percent by either of the following methods:

(a) You may apply such increase to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp on each such invoice beside the adjustment the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may in lieu of the method provided in paragraph (a) of this section, increase by 10 percent the ceiling prices of each hand laundry service item you supply. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplementary statement as required under section 18 (c) of Ceiling Price Regulation 34. You must also change or prepare and post on an official OPS poster the adjusted ceiling prices determined under this section. You may not use paragraph (a) of this section once you have elected to adjust ceiling prices under this paragraph.

(c) If the increase computed in paragraph (a) or (b) of this section results in a fraction of a cent, the price must be decreased to the next lower cent if the fractional cent is less than one-half cent or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) A hand laundry subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of its ceiling prices for hand laundry services under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any hand laundry in lieu of, and irrespective of, any adjustment heretofore granted any such hand laundry under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such hand laundry services under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

SEC. 5. *Definitions.* (a) "Hand laundries" as used in this regulation are laundry establishments receiving and distributing laundry, generally finishing some wearing apparel by hand ironing done on the premises, giving only limited, if any, delivery services.

Effective date. This Supplementary Regulation 39 to Ceiling Price Regulation 34 shall become effective February 9, 1953.

NOTE: The record-keeping and reporting requirement of the regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1282; Filed, Feb. 4, 1953; 11:08 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

OAKLAND HARBOR IN VICINITY OF NAVAL SUPPLY CENTER

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), paragraph (g) of § 207.640 is hereby amended by revision of the navigation regulation pertaining to the use and navigation of the entrance channel to the Naval Supply Center, Oakland, California, as follows:

§ 207.640 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.*

* * * * *

(g) *Oakland Harbor in vicinity of Naval Supply Center, Oakland; navigation.* (1) All vessels over 1,000 tons displacement, bound for the Naval Supply Center, Oakland, shall use a qualified pilot regularly licensed for the waters of Oakland Harbor.

(2) All vessels over 1,000 tons displacement, bound for the Naval Supply Center, Oakland, shall, before navigating the entrance channel, receive a signal that the channel is clear. This signal will be a black ball between sunrise and sunset and a green light at night, displayed from the yard arm on top of a signal tower which is located on Pier 3, north side of the Naval Supply Center.

* * * * *

[Regs., Jan. 13, 1953, 800.211 (Oakland Harbor, California) ENGWO] (40 Stat. 266; 33 U. S. C. 1)

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–1219; Filed, Feb. 4, 1953; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 881]

WASHINGTON

TRANSFERRING THE LANDS RESERVED FOR THE DEPARTMENT OF THE ARMY BY PUBLIC LAND ORDERS NOS. 165, 191, AND 261 TO THE ATOMIC ENERGY COMMISSION; PARTIALLY REVOKING PUBLIC LAND ORDER NO. 261

By vitrue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

1. All public lands, except those described in paragraph 4 hereof, reserved for the use of the War Department for military purposes by Public Land Orders No. 165 of September 6, 1943, No. 191 of November 1, 1943, and No. 261 of January 24, 1945, are hereby reserved for and transferred to the jurisdiction of the Atomic Energy Commission, for use in connection with the atomic energy program.

2. The withdrawals made by the said public land orders, as modified by this order, shall be subject to existing withdrawals for power-site and Federal power project purposes, so far as they affect any of the lands involved; and they shall take precedence over, but not otherwise affect, the existing withdrawals for reclamation purposes, so far as they affect any of such lands.

3. The said public land orders are hereby amended so as to delete therefrom the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

4. The said Public Land Order No. 261 of January 24, 1945, is hereby revoked so far as it affects the following-described lands, which are included in existing withdrawals for reclamation purposes:

WILLAMETTE MERIDIAN

T. 12 N., R. 28 E.,
Sec. 2, SW¼NE¼, SE¼NW¼, and E½ SW¼.

T. 13 N., R. 28 E.,
Sec. 34, S½SE¼.

The areas described aggregate 240 acres.

It is intended that the lands transferred by this order shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

JANUARY 30, 1953.

[F. R. Doc. 53-1193; Filed, Feb. 4, 1953; 8:45 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19160]

HEINRICH JOHANN JOSEPH GERHARD MIELE

In re: Estate of Heinrich Johann Joseph Gerhard Miele, also known as Heinrich Johann Miele and H. J. Miele, deceased. File No. F-28-23961 A-1: E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Wiese, Franz Wiese, Franz Miele, Hubert Miele, Maria Miele, also known as Maria Wehrmann, Hans Josef Feichtner, Valerie Keill Hanssen, Gustav Ludwig Gregor Koslowski, Maria Luise Margaretha Franckson, Therese Hubertine Luise Franckson, Ludwig Hubert Johann (Jean) Franckson, Maria Therese Johanna Franckson, Nikolaus Sittart, Elisabeth Therese Sittart, Heinrich Hubert Ludwig Sittart, Katherine Junior Loers Elber and Anna Maria (Marianne) Junior, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domicillary personal representatives, names unknown, and the heirs, next-of-kin, legatees, devisees and distributees of Anna Miele Wiese, deceased; and of Johann Hendrik Kreutzer, deceased; and of Maria Josephine Katharina Franckson Sittart, deceased, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Estate of Heinrich Johann Joseph Gerhard Miele, also known as Heinrich Johann Miele and H. J. Miele, deceased, is property which is and prior to January 1, 1947, was within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 2, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1221; Filed, Feb. 4, 1953; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF WEST COAST OF INDIA AND PAKISTAN/U. S. A. CONFERENCE; MEMBER LINES OF CEYLON/U. S. A. CONFERENCE

NOTICE OF APPROVAL OF AGREEMENTS BY THE BOARD

Notice is hereby given that the Board by order dated January 22, 1953, approved the following described agreements pursuant to section 15 of the Shipping Act, 1916, as amended:

(1) Agreement No. 8040-1, between the Member Lines of the West Coast of India, and Pakistan/U. S. A. Conference, modifies the basic agreement of that Conference (No. 8040) by deleting the paragraph providing that the Conference may establish contract and non-contract rates. Agreement No. 8040 covers the trade from the West Coast of India and Pakistan, Tuticorin/Karachi Range inclusive, to United States Atlantic and Gulf ports.

(2) Agreement No. 8050-1, between the Member Lines of the Ceylon/U. S. A. Conference, modifies the basic agreement of that Conference (No. 8050) by deleting the paragraph providing that the Conference may establish contract and non-contract rates. Agreement No. 8050 covers the trade from Ceylon to United States Atlantic and Gulf ports.

Interested parties may obtain copies of either agreement at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: February 2, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-1223; Filed, Feb. 4, 1953; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3037 et al.]

NATIONAL AIRLINES; FINAL MAIL RATE PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

In accordance with Board Order Serial No. E-7121 dated January 30, 1953, notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 10, 1953 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 2, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1222; Filed, Feb. 4, 1953; 8:50 a. m.]

[Docket No. 5878]

NORTH STAR AIRCOACH AGENCY ET AL.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of Airline Reservations, Inc. d/b/a North Star Aircoach Agency, The Flying Irishman Agency and Air America Agency Enforcement Proceeding.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 24, 1953, at 10:00 a. m., e. s. t., in Room 5855, Commerce Building, Fourteenth and Constitution Ave-

nue NW., Washington, D. C., before Examiner Merritt F. Ruhlen.

Dated at Washington, D. C., January 30, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1199; Filed, Feb. 4, 1953; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

JANUARY 28, 1953.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 023123, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described lands, situated near Cordova, Alaska, and more particularly described in the application, for a public works project (Aaa. 50-A-116 Cordova Water System), which has been approved under section 4 of said act:

Starting at Corner No. 1 M. C. of U. S. Survey 1765 and running 1138 ft. S. 47° 43' E. to Corner No. 2; thence 1023.34 ft. N. 42° 17' E. to Corner No. 3; thence 1208.38 ft. N. 67° 22' W. to Corner No. 4; and thence 617 ft. S. 42° 17' W. to Corner No. 1 the point of beginning.

The purpose of this notice is to give persons having bona fide objection to the transfer, the opportunity to file with the Manager of the Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of the Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 53-1194; Filed, Feb. 4, 1953; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 25, Revocation]

PLACEMENT OF PROCUREMENT IN THE DANIELSON, CONN., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Danielson, Connecticut, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 25 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director.

[F. R. Doc. 53-1268; Filed, Feb. 3, 1953; 2:51 p. m.]

[Defense Manpower Policy No. 4, Notification 32, Revocation]

PLACEMENT OF PROCUREMENT IN THE JOPLIN, MO., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Joplin, Missouri, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 32 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director.

[F. R. Doc. 53-1269; Filed, Feb. 3, 1953; 2:52 p. m.]

[Defense Manpower Policy No. 4, Notification 45, Revocation]

PLACEMENT OF PROCUREMENT IN THE CONNORSVILLE, IND., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Connorsville, Indiana is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 45 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director.

[F. R. Doc. 53-1270; Filed, Feb. 3, 1953; 2:52 p. m.]

[Defense Manpower Policy No. 4, Notification 47, Revocation]

PLACEMENT OF PROCUREMENT IN THE NORWICH, CONN., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Norwich, Connecticut, is no longer classified as a Group IV surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 47 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director.

[F. R. Doc. 53-1271; Filed, Feb. 3, 1953; 2:52 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10365, 10366]

PEOPLES BROADCASTING CO. AND WGAL, INC. (WGAL-TV)

ORDER CONTINUING HEARING

In re applications of Peoples Broadcasting Company, Lancaster, Pennsylvania, for construction permit for a new television station, Docket No. 10365, File No. BPCT-654; and WGAL, Inc. (WGAL-TV), Lancaster, Pennsylvania, for construction permit to change site, increase power and antenna height, make equipment changes, and for regular operation of Television Station WGAL-TV on Channel 8, Docket No. 10366, File No. BPCT-910.

The Commission having under consideration a motion, filed by Peoples Broadcasting Company on January 19, 1953, requesting that the hearing on the above-entitled applications be continued from February 2, 1953, to a date thirty days after Commission action on the movant's "Motion to Enlarge and Change Issues", filed on January 16, 1953, which is pending before the Commission; and

It appearing, that the orderly conduct of the hearing requires a continuance to await Commission action upon the request for changes in the issues and that the attorneys for the Chief of the Broadcast Bureau and for the parties herein have informally consented to the granting of the motion as hereinafter ordered; and

It further appearing, that an appropriate date for hearing can best be fixed by subsequent order so as to allow time for such prehearing conferences and other preparatory steps as may be expedient and that the ordering of a continuance until such time as may be stated in a later order will conduce to

the proper dispatch of business and to the ends of justice; now therefore,

It is ordered, This 27th day of January 1953, that the motion is granted in part, and the hearing on the above-entitled applications is continued until such date as shall be fixed by further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1213; Filed, Feb. 4, 1953; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2973]

ELECTRIC ENERGY, INC., ET AL.

ORDER PERMITTING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY OF COMMON STOCK TO PARENTS, OF A SHORT TERM BANK LOAN, AND OF PRIVATE SALE OF BONDS TO FINANCE EXPANSION OF FACILITIES SERVING AN ATOMIC ENERGY PROJECT

JANUARY 30, 1953.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri, Illinois Power Company, Kentucky Utilities Company; File No. 70-2973.

Electric Energy, Inc. ("Electric Energy"), a public utility company, and the following of its parent companies, Middle South Utilities, Inc. ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and Illinois Power Company ("Illinois") and Kentucky Utilities Company ("Kentucky"), both public utility companies and registered holding companies, which are exempt as holding companies from the provisions of the act, have filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9, 10 and 12 of the act regarding the issuance and sale by Electric Energy of (i) a maximum of $65,000,000 principal amount of 3¾ percent First Mortgage Sinking Fund Bonds; (ii) an aggregate of $2,700,000 par value of additional common stock; and (iii) $2,000,000 principal amount of 3 percent promissory notes due August 3, 1953. The proposals also include the execution of certain related contracts by all of the applicants-declarants, and the acquisition by the parent companies of the additional common stock of Electric Energy. Electric Energy has requested that said issuance and sale of bonds be exempted from the competitive bidding requirements of Rule U-50 promulgated under the act.

Said joint application-declaration, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the record in the matter and having filed this day its memorandum opinion herein and finding for the reasons set forth in said memorandum opinion that it is appropriate to grant the application and permit the declaration to become effective, and to grant the requested exemption from the competitive bidding requirements of Rule U-50:

It is ordered, Pursuant to Rule U-23 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the proposed issuance and sale of bonds by Electric Energy be, and the same hereby is, exempted from the competitive bidding requirements of Rule U-50, all subject to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(a) That the additional common stock of Electric Energy shall be acquired subject to the limitations set forth in paragraphs (A) and (B) of the Commission's order dated January 15, 1951, (Holding Company Act Release No. 10340).

(b) That this order, our opinion herein, our memorandum opinions dated January 15, 1951, (Holding Company Act Release No. 10340) and June 26, 1951 (Holding Company Act Release No. 10639), as well as any contracts or relationships then existing will not be pleaded in any future proceedings under section 10 of the act, as contemplated in the Commission's aforesaid order of January 15, 1951.

(c) That jurisdiction be reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1196; Filed, Feb. 4, 1953; 8:46 a. m.]

[File No. 70-2983]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING CERTAIN AMENDMENTS TO DECLARATION OF TRUST AND CERTAIN ACCOUNTING ADJUSTMENTS

JANUARY 30, 1953.

New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a), 7, and 12 (e) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-23, U-62 and U-65 of the rules and regulations promulgated thereunder, with respect to the following proposed transaction:

NEES proposes (1) to increase its authorized common shares from 8,500,000 shares to 11,500,000 shares; (2) to reduce its Paid-in Surplus by $57,999,470 and its Earned Surplus by the net amount of $541,173 in connection with the creation of a general reserve relating to investments in the amount of $58,540,643 and NEES requests that the Commission approve the elimination of a requirement that its net income be appropriated annually in the amount of $1,250,000 for such a reserve (See New England Power Association, Holding Company Act Release No. 6470, March 14, 1946); and (3) to amend its Agreement and Declaration of Trust in connection with preemptive offerings to shareholders to provide that cash or full share rights may be issued in lieu of rights to fractional shares. The proposed increase in authorized shares requires the affirmative vote of a majority of the common shares present or represented at a shareholders' meeting held for such purpose. The other two proposals require the affirmative vote of a majority of the outstanding common shares. The declaration indicates that a special meeting of such shareholders will be held on February 24, 1953, and NEES requests authority to solicit proxies therefor. The declaration includes copies of the proxy and proxy statement which NEES intends to send to its shareholders. In connection with the solicitation of proxies, NEES proposes to retain the services of professional proxy solicitors.

According to the declaration, the expenses to be incurred by NEES in connection with the proposed transactions are estimated at $29,000. This estimate includes $10,000 for the services of professional proxy solicitors; $1,500 for the expenses of officers and employees of NEES for services rendered in connection with the solicitation of proxies; $10,000 for expenses in connection with the mailing of the proxies; and $5,000 for services performed, at cost, by New England Power Service Company, an affiliated service company. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES requests that the Commission's Order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1198; Filed, Feb. 4, 1953; 8:46 a. m.]

[File No. 812-812]

EMPIRE SECURITIES CORP.

NOTICE OF APPLICATION

JANUARY 30, 1953.

Notice is hereby given that Empire Securities Corporation ("Empire") of Den-

ver, Colorado, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act") and Rule N-6D-1 thereunder for an order of the Commission exempting it from certain requested provisions of the act, hereinafter set forth.

It appears from the application that Empire was organized under the laws of the State of Colorado on November 18, 1952, and is a closed-end, management investment company as defined in the act; that under its certificate of incorporation, Empire is authorized to issue 10,000 shares of common stock, par value $10 per share; that said stock will be offered at par and the aggregate sums received by Empire from the sale of all its outstanding securities plus the aggregate offering price of all securities of which Empire is the issuer and which it proposes to offer for sale, will not exceed $100,000; that said offering will be restricted to the State of Colorado, and no offering will be made to any person not a resident of that State; that said stock will be offered to the personal and business acquaintances of the incorporators; and that the investment policy of Empire is the investment in growth situations, particularly in the industrial and business expansion of the Rocky Mountain Region, with safety of principal not of primary consideration.

Empire requests exemption from the following provisions of the act: Sections 7; 8 (except subsection (e) thereof in respect of reports required to be filed pursuant to section 30 (b) (2) and subsection (b) thereof with respect to filing the information called for by Items 35-47 of Form N-8B-1); 12 (except subsections (a) and (d) thereof); 14; 24; 30 (except subsection (d) and paragraph (2) of subsection (b) thereof and subsection (a) thereof with respect to filing annually the information called for by Items 35-47 of Form N-30A-1); and 32 (except subsection (c) thereof).

Section 6 (d) of the act and Rule N-6D-1 thereunder provide, in substance, that the Commission may by order upon application exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and to be offered, do not exceed $100,000 and if the sale of its securities is restricted to residents of the state of its organization.

All interested persons are referred to said application which is on file at the Washington, D. C., office of the Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission, and upon such conditions as the Commission may deem necessary or appropriate, at any time on or after February 23, 1953, unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and Regulations promulgated under the act. Any interested person may, not later than February 19, 1953, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1197; Filed, Feb. 4, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27753]

PAINTS AND PAINT MATERIALS FROM CHICAGO, ILL., MILWAUKEE AND RACINE, WIS., TO THE SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Paints and paint materials, carloads.

From: Chicago, Ill., Milwaukee and Racine, Wis.

To: Points in Arkansas, Oklahoma, and Texas.

Grounds for relief: Rail competition and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, Supp. 168; F. C. Kratzmeir, Agent, I. C. C. No. 3919, Supp. 145; F. C. Kratzmeir, Agent, I. C. C. No. 3927, Supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1201; Filed, Feb. 4, 1953; 8:47 a. m.]

[4th Sec. Application 27754]

WOODPULP FROM COOSA PINES, ALA., TO IRON MOUNTAIN, MICH.

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carirers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Coosa Pines, Ala.

To: Iron Mountain, Mich.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1202; Filed, Feb. 4, 1953; 8:47 a. m.]

[4th Sec. Application 27755]

COAL FROM WEST VIRGINIA AND VIRGINIA TO PARIS AND FRANKFORT, KY.

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Chesapeake and Ohio Railway Company, Cincinnati, New Orleans and Texas Pacific Railway Company, and Frankfort & Cincinnati Railroad Company.

Commodities involved: Coal, bituminous, cannel coal, and coal briquettes, carloads.

From: New River, Kanawha, and Big Sandy districts in West Virginia and Virginia.

To: Paris and Frankfort, Ky.

Grounds for relief: Rail competition, circuity, and grouping.

Schedules filed containing proposed rates: C & O Ry. tariff I. C. C. No. 13007, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1203; Filed, Feb. 4, 1953; 8:47 a. m.]

[4th Sec. Application 27756]

WOODPULP FROM ST. MARYS, GA., TO GILMAN, VT.

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: St. Marys, Ga.

To: Gilman, Vt.

Grounds for relief: Rail competition and circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1204; Filed, Feb. 4, 1953; 8:47 a. m.]

[4th Sec. Application 27757]

FEEDING GRAINS FROM COLORADO AND KANSAS TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Feeding grains, carloads, as described in the application.

From: Eastern Colorado and central and western Kansas.

To: Northern Colorado and southeastern Wyoming.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; AT&SF Ry. I. C. C. Nos. 14663 and 14665, Supps. 23 and 14; CB&Q RR. I. C. C. No. 20259, Supp. 39; CRI&P RR. I. C. C. No. C-13422, Supp. 13; Mo. Pac. RR. I. C. C. No. A-10016, Supp. 15; U. P. RR. I. C. C. No. 5166, Supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1205; Filed, Feb. 4, 1953; 8:48 a. m.]

[4th Sec. Application 27758]

FERTILIZERS FROM THE SOUTHWEST AND KANSAS TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent for carriers parties to schedule listed below.

Commodities involved: Fertilizer and related articles, also anhydrous ammonia, carloads.

From: Points in southwestern territory, also Kansas.

To: Mt. Olive, Crenshaw, and Tenco, Tenn.

Grounds for relief: Rail competition, circuity, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 104.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1206; Filed, Feb. 4, 1953; 8:48 a. m.]

[4th Sec. Application 27759]

CEMENT FROM DES MOINES AND WEST DES MOINES TO SIOUX CITY, IOWA

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for the Chicago, Burlington & Quincy Railroad Company and the Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Cement and related articles, carloads.

From: Des Moines and West Des Moines, Iowa.

To: Sioux City, Iowa.

Grounds for relief: Rail competition and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1207; Filed, Feb. 4, 1953; 8:48 a. m.]

[4th Sec. Application 27760]

SOYBEANS FROM MEMPHIS, TENN., AND HELENA, ARK., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provisions of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Soybeans, carloads.

From: Memphis, Tenn., and Helena, Ark.

To: New Orleans, La., for export.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1208; Filed, Feb. 4, 1953, 8:48 a. m.]

[4th Sec. Application 27761]

PETROLEUM AND PRODUCTS FROM FORT CHADBOURNE, TEX., TO POINTS IN SOUTHWESTERN, SOUTHERN, OFFICIAL, AND WESTERN TRUNK LINE TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum and its products, carloads.

From: Fort Chadbourne, Tex.

To: Points in southwestern, southern, official, and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and additional origin.

Schedules filed containing proposed rates: Agent Kratzmeir's tariffs I. C. C. Nos. 3494, 3585; 3651, 3724, 3802, and 3825, Supp. Nos. 265, 537; 310, 165, 136, and 167, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1209; Filed, Feb. 4, 1953; 8:48 a. m.]

[4th Sec. Application 27762]

LUMBER FROM NORTH PACIFIC COAST TO WISCONSIN

APPLICATION FOR RELIEF

FEBRUARY 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. 1545.

Commodities involved: Lumber and related articles, carloads.

From: North Pacific coast points.

To: Specified points in Wisconsin.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. J. Hennings' tariff I. C. C. No. 1545, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1210; Filed, Feb. 4, 1953; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 25

Washington, Friday, February 6, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10433

FURTHER PROVIDING FOR THE ADMINISTRATION OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. (a) Except in instances wherein the provisions concerned have heretofore been or are hereby revoked or otherwise made inapplicable, and except for any references which have heretofore been eliminated by amendment, each reference to the Defense Production Administrator in any prior Executive order, including the reference to him in section 2 (e) of Executive Order No. 10200 of January 3, 1951 (16 F. R. 63), and each reference to the Defense Production Administration in any prior Executive order, are hereby amended to refer to the Director of Defense Mobilization and the Office of Defense Mobilization, respectively.

(b) All records, property, personnel, and funds of the Defense Production Administration shall be transferred, consonant with applicable law, to the Office of Defense Mobilization.

(c) Section 1 of Executive Order No. 10200 of January 3, 1951 (16 F. R. 61), is hereby revoked. Notwithstanding such revocation, boards, committees, other subordinate agencies, and positions established thereunder shall be continued under the jurisdiction of the Director of Defense Mobilization unless and until other disposition thereof is made by him.

SEC. 2. Section 401 (a) of Executive Order No. 10161 of September 9, 1950 (15 F. R. 6106), is hereby amended to read as follows:

"SEC. 401. (a) There is hereby created a new and independent agency to be known as the Economic Stabilization Agency, hereafter in this Part referred to as the Agency. There shall be at the head of the Agency an Economic Stabilization Administrator, hereafter in this Part referred to as the Administrator. The Director of Defense Mobilization (provided for in Executive Order No. 10193 of December 16, 1950 (15 F. R. 9031)) shall, *ex officio*, and without additional compensation, be the Administrator."

SEC. 3. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this Executive order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

DWIGHT D EISENHOWER

THE WHITE HOUSE,
February 4, 1953.

[F. R. Doc. 53-1309; Filed, Feb. 4, 1953; 5:00 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 9—SEPARATIONS, SUSPENSIONS AND DEMOTIONS

EFFECT OF SEPARATION OR RESIGNATION WHILE SUSPENDED FROM DUTY

Section 9.107 is amended to read as follows:

§ 9.107 *Effect of separation or resignation while suspended from duty under Public Law 733, 81st Congress, or other similar law.* Any civilian officer or employee whose employment is terminated or who resigns while suspended in the interest of national security under the provisions of Public Law 733, 81st Congress, or other law granting the power of summary dismissal in the interest of national security, may request the Civil Service Commission, in writing, to determine whether he is eligible for employment in any other agency or depart-

(Continued on p. 763)

CONTENTS

THE PRESIDENT

Executive Order Page

Further providing for the Administration of the Defense Production Act of 1950, as amended--- 761

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Dombre, Jean Pierre Paul---- 791
Meier, Frank---- 792
Salsas-Serra, Francisco---- 791

Civil Aeronautics Administration

See also Civil Aeronautics Board.

Rules and regulations:
Designation of civil airways; alteration; temporary redesignation---- 767
Minimum en route instrument altitudes:
Alterations---- 767
Minimum terrain clearance altitudes---- 767

Civil Aeronautics Board

Rules and regulations:
Irregular air carrier and off-route rules; take-off performance limitations for large aircraft---- 766

Civil Service Commission

Rules and regulations:
Separations, suspensions and demotions; effect of separation or resignation while suspended from duty---- 761

Commerce Department

See Civil Aeronautics Administration; Civil Aeronautics Board.

Customs Bureau

Notices:
Asparagin; tariff classification- 777
Rondelles for jewelry; prospective tariff classification---- 777

FEDERAL REGISTER

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The following Supplement is now available:

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Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Production Administration — Page

Rules and regulations:
- Issuance of Necessity Certificates under section 124A of the Internal Revenue Code (DPA Reg. 1):
  - Time limitation provision in Necessity Certificates (Int. 1) — 775
  - Variations in costs (Int. 2) — 776

Economic Stabilization Agency

See Price Stabilization, Office of.

Federal Housing Administration

Notices:
- Delegation of authority and assignment of functions — 780

Federal Power Commission

Notices:
- Hearings, etc.:
  - Bahovec, Fred — 779
  - Blue Ridge Electric Membership Corp — 779
  - Border Counties Power Cooperative, Inc — 779
  - City of Covington, Georgia — 779

CONTENTS—Continued

Federal Power Commission—Continued — Page

Notices—Continued
- Hearings, etc.—Continued
  - El Paso Natural Gas Co — 778
  - Hylton, Hal T — 779
  - Larrabee, Consuelo M — 779
  - Lone Star Gas Co — 778
  - Nevada Natural Gas Pipe Line Co — 778
  - New York State Electric & Gas Corp — 778
  - Pend Oreille Mines & Metals Co — 779
  - Weaver, Murray Dale, et al — 779

Federal Security Agency

See Public Health Service.

Administrator; delegation of authority with respect to processing and distribution of motion pictures and film strips (*see* General Services Administration).

General Services Administration

Notices:
- Administrator, Federal Security Agency; delegation of authority with respect to processing and distribution of motion pictures and film strips — 780

Housing and Home Finance Agency

See Federal Housing Administration.

Interior Department

See also Land Management, Bureau of.

Notices:
- Alaska; notice for filing objections to order partially revoking Executive Orders No. 4719 of September 12, 1927, and No. 5352 of May 23, 1930; reserving a portion of the released lands for use of the Department of the Air Force — 779

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Carbon dioxide from Chicago, Ill., to Cleveland, Ohio — 791
  - Commodities from, to, and between southern and eastern points — 790
  - Fine coal from Illinois, Indiana, and western Kentucky to Waukegan, Ill — 790
  - Kindred grain and products, from, to, and within South — 790
  - Petroleum products from Baton Rouge, La., to Gulfport, Miss — 791
  - Sand from Guion, Ark., and points in Missouri, to Louisville, Ky — 791
  - Slabs between points in southern and official territories — 790

Justice Department

Rules and regulations:
- Registration of Communist organizations and members thereof; definition of terms; moneys received and moneys expended — 768

See also Alien Property, Office of.

CONTENTS—Continued

Land Management, Bureau of — Page

Rules and regulations:
- Alaska; partially revoking Executive Orders No. 4719 of September 12, 1927, and No. 5352 of May 23, 1930; reserving a portion of the released lands for use of the Department of the Air Force — 776

Price Stabilization, Office of

Notices:
- Crown Zellerbach Corp.; logging services supplied ceiling prices for (2 documents) — 788, 789
- General Motors Corp.; approval of additions attached to letter to dealers, dated January 22, 1953 — 789

Rules and regulations:
- Area milk price adjustments; Central Western Washington milk marketing area; miscellaneous amendments (GCPR, SR 63, AMPR 7) — 771
- Excepted services; telephone charges by hotels (GOR 14) — 768
- Exemptions and suspensions of:
  - Certain consumer soft goods; suspension of certain furs and fur products (GOR 4) — 771
  - Certain food and restaurant commodities; suspension of machine-dispensed drinks similar to "soft drinks" (GOR 7) — 772
  - Certain lumber and wood products (GOR 34):
    - Hardwood commercial and utility type veneer, suspension of — 775
    - Sitka spruce cigar box shook, exemption of — 774
  - Exemptions of certain industrial materials and manufactured goods (GOR 9):
    - Decontrol of fuller's earth, and graphite crucibles with related crucible accessories — 775
    - Exemption of:
      - Custom built passenger automobiles — 773
      - Foreign made used passenger automobiles — 773
      - Industrial steel wool — 770
      - Modified passenger automobiles, sales of — 774
      - Used passenger automobiles prior to 1946 models, sales of all models of — 773
      - Wet ground mica — 772
  - Manufacturers of copper wire mill products; miscellaneous amendments (CPR 110) — 769
  - Services; linen suppliers located in metropolitan New York area; sales of certain linen supply services to small commercial users; extension of coverage to include certain counties in New Jersey (CPR 34, SR 24) — 770

Production and Marketing Administration

Rules and regulations:
- U. S. Standards:
  - Mustard greens and turnip greens — 763

CONTENTS—Continued

Production and Marketing Administration—Continued Page
Rules and regulations—Continued
U. S. Standards—Continued
Oranges (California and Arizona) 764

Public Health Service
Rules and regulations:
Fellowships; travel expenses; regular fellowships 776

Securities and Exchange Commission
Notices:
Hearings; etc.:
Central Public Utility Corp. (2 documents) 785
Coughlin, Christopher H., et al 787
North Penn Gas Co 787
Standard Power and Light Corp 785

Treasury Department
See Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
4719 (revoked in part by PLO 882) 776
5352 (revoked in part by PLO 882) 776
10161 (amended by EO 10433) 761
10193 (see EO 10433) 761
10200 (see EO 10433) 761
10433 761

Title 5
Chapter I:
Part 9 761

Title 7
Chapter I:
Part 51 (2 documents) 763, 764

Title 14
Chapter I:
Part 42 766
Chapter II:
Part 600 767
Part 610 (2 documents) 767

Title 28
Chapter I:
Part 11 768

Title 32A
Chapter III (OPS):
CPR 34, SR 24 770
CPR 110 769
GCPR, SR 63, AMPR 7 771
GOR 4 771
GOR 7 772
GOR 9 (7 documents) 770, 772, 773, 774, 775
GOR 14 768
GOR 34 (2 documents) 774, 775
Chapter V (DPA):
Reg. 1, Int. 1 775
Reg. 1, Int. 2 776

Title 42
Chapter I:
Part 61 776

CODIFICATION GUIDE—Con.

Title 43 Page
Chapter I:
Appendix (Public land orders):
882 776

ment of the Government. The Commission will determine, after such investigation as necessary, whether the former employee may be employed in another agency or department.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-1237; Filed, Feb. 5, 1953; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR MUSTARD GREENS AND TURNIP GREENS

On December 20, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 52-13471; 17 F. R. 11666) regarding proposed United States Standards for Mustard Greens and Turnip Greens.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Mustard Greens and Turnip Greens are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.278 *Standards for mustard greens and turnip greens*—(a) *General.* (1) These standards are applicable to either mustard greens or turnip greens consisting of either plants (crown or root attached), or cut leaves but they shall not be applicable to mixtures of plants and cut leaves or mixtures of mustard greens and turnip greens in the same container.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of mustard greens or turnip greens of similar varietal characterstics which are fresh, fairly tender, fairly clean, and which are free from decay and free from damage caused by seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(i) *Specifications for roots.* In the case of turnip greens with roots attached, the roots shall be firm and free from damage by any cause and unless otherwise specified, the maximum diameter of the root shall be 1½ inches.

(ii) *Tolerance for defects.* In order to allow for variations incident to proper grading and handling, other than for size of roots and mixtures of plants and leaves, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause and including therein not more than 2 percent for decay. (See basis for calculating percentages.)

(iii) *Tolerance for mixtures of whole plants and leaves.* Not more than 5 percent, by weight, of the mustard or turnip greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves. (See basis for calculating percentages.)

(iv) *Tolerance for size.* Turnip greens with roots attached shall have not more than 10 percent, by weight, of roots which are larger than the specified maximum size. (See basis for calculating percentages.)

(c) *Unclassified.* Unclassified consists of mustard greens or turnip greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified.

(i) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(ii) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

(e) *Basis for calculating percentages.* (1) Percentages shall be calculated on the basis of weight or an equivalent basis. When mustard greens or turnip greens are packed as plants, each plant shall be considered as a unit. When packed as cut leaves, the individual leaf shall be considered as a unit.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the mustard or turnip greens shall be of one type (such as, crinkly leaf type or smooth leaf type in the case of mustard greens) No mixture of types shall be permitted which materially affects the appearance of the lot.

(2) "Fresh" means that the mustard or turnip leaves are not more than slightly wilted.

(3) "Fairly tender" means that the mustard or turnip greens are not old, tough, or excessively fibrous.

(4) "Fairly clean" means that the appearance of the mustard or turnip greens

is not materially affected by the presence of mud, dirt, or other foreign material.

(5) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Seedstems when more than one-fourth the length of the longest leaf;

(ii) Discoloration when the appearance of the individual unit is materially affected by yellowing or any other type of discoloration; and,

(iii) Mechanical damage when the individual unit is badly crushed, torn, or broken.

(6) "Firm" means that the root is not soft, flabby, or shriveled.

(7) "Diameter" means the greatest dimension measured at right angles to a line from the center of the crown to the base of the root.

(8) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Insects when the unit is noticeably infested or when seriously damaged by them;

(ii) Discoloration when the unit is badly discolored; and,

(iii) Decay.

(g) *Effective time.* The United States Standards for Mustard Greens and Turnip Greens contained in this section and which supersede the United States Standards for Mustard Greens and the United States Standards for Turnip Greens, each of which were effective December 18, 1928, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 3d day of February 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-1278; Filed, Feb. 5, 1953; 8:54 a. m.]

PART 51—FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

On December 18, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 52-13342, 17 F. R. 11447) regarding proposed United States Standards for Oranges (California and Arizona).

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Oranges (California and Arizona) are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.301 *Standards for oranges (California and Arizona)*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided,* That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See tolerances in paragraph (c) of this section.)

(3) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed but not excessively rough, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(4) *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See tolerances in paragraph (c) of this section.)

(5) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and free from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(b) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements of the U. S. No. 2 grade for color.

(i) No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(2) For packages which contain more than 10 pounds, and a tolerance of 10

percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(3) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(2) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(3) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(4) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(5) Example of standard size orange: The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations incident to proper packing, when fruit is wrapped not more than 10 percent of the oranges in any container may fail to meet the requirements pertaining to wrapping, and, in addition, not more than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(i) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(ii) Not more than 3 percent shall have broken skins which are not healed;

(iii) Not more than 3 percent shall have growth cracks;

(iv) Not more than 5 percent shall be soft;

(v) Not more than 5 percent shall be damaged by creasing;

(vi) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(vii) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(viii) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit;

(ii) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(*b*) Scars which are dark or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(c) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(*d*) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(iv) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(v) Scale, when medium or large and more than 5 are present; and,

(vi) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

(7) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition, when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged, that it detracts materially from the appearance of the fruit;

(iii) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*b*) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(c) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(*d*) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(e) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface; and,

(f) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface;

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(vi) Scale, when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided*, That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(vii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(9) "Fairly well colored" means that the yellow or orange color predominates on the fruit.

(10) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

(11) "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

(12) "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

(13) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Split or protruding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so badly folded and ridged, that it detracts seriously from the appearance of the fruit;

(iii) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(a) Scars which are very dark or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(b) Scars which are dark or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface;

(c) Scars which are fairly light in color, slightly rough or of slight depth and which have an aggregate area of more than 15 percent of the fruit surface; and,

(d) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 25 percent of the fruit surface;

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(vi) Scale, when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas;

(vii) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(viii) Growth cracks which are leaking, gummy, or not well healed.

(14) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(15) "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

(16) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Split navels which are leaking, gummy, or not well healed;

(ii) Creasing which is so deep or extensive that the skin is very seriously weakened;

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(a) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface; and,

(b) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface;

(iv) Oil spots which are badly sunken, or soft;

(v) Scale which are so numerous or large that the appearance of the fruit is very seriously affected; and,

(vi) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

(h) *Effective time.* The United States Standards for Oranges (California and Arizona) contained in this section and which supersede the United States Standards for Oranges (California and Arizona) (16 F. R. 4419) effective June 12, 1951, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 3d day of February 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-1279; Filed, Feb. 5, 1953; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 16]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

TAKE-OFF PERFORMANCE LIMITATIONS FOR LARGE AIRCRAFT

The purpose of this supplement is to set forth take-off performance limitations which shall apply whenever large aircraft are utilized in cargo operations.

Proposed rules on this subject were published on March 27, 1952 in 17 F. R. 2685. Interested persons were afforded an opportunity to submit comments, and consideration was given to all relevant matter presented. The following rules are hereby adopted:

§ 42.14–1 *Take-off performance limitations for large aircraft (CAA rules which apply to § 42.14).* Whenever large aircraft are utilized in cargo operation, the following take-off performance limitations shall apply:

(a) Transport category airplanes shall be operated in compliance with the provisions of §§ 42.70 (b), 42.71 (b), and 42.72.

(b) Nontransport category airplanes shall be operated in compliance with the provisions of § 42.81 and shall meet the en route one-engine inoperative climb requirement of § 42.82 at an altitude of 1,000 feet above the airport from which the take-off is being made. The pertinent performance limitations data published under §§ 42.80–1, 42.80–2, 42.80–3, 42.80–4, 42.80–5, 42.80–7 and 42.80–8 shall be used in determining compliance with § 42.81.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 42 Stat. 1007, 1010; 49 U. S. C. 551, 554)

These rules shall become effective February 15, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1226; Filed, Feb. 5, 1953; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

Part 600—Designation of Civil Airways

CIVIL AIRWAY ALTERATION; TEMPORARY REDESIGNATION

The civil airway alteration appearing hereinafter is adopted to meet the requirements of the Department of Defense for a temporary danger area. The alteration has been coordinated with the Canadian Department of Transport by the Civil Aeronautics Administration, and with the civil operators involved, the Army, the Navy, and the Air Force through the Air Coordinating Committee, Airspace Subcommittee, and is made effective during the period indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6029 *VOR civil airway No. 29 (Philadelphia, Pa., to United States-Canadian Border)* is amended after Watertown, N. Y., omnirange station to read: "Watertown, N. Y., omnirange station; intersection of the Watertown omnirange 360° True and the Massena omnirange 268° True radials; Massena, N. Y., omnirange station to the United States-Canadian Border via the Massena omnirange 038° True radial."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall be effective from 0001, e. s. t., February 9, 1953, to 2400, e. s. t., March 20, 1953. At the end of that period § 600.6029 as designated prior to this temporary amendment shall again become effective.

[SEAL] F. B. Lee,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1227; Filed, Feb. 5, 1953; 8:45 a. m.]

[Amdt. 27]

Part 610—Minimum en Route Instrument Altitudes

MINIMUM TERRAIN CLEARANCE ALTITUDES

This amendment revises § 610.3 (c), published on April 5, 1952, in 17 F. R. 2989. The purpose of the amendment is to clarify the relationship between, and provide for the publication of, minimum VOR reception altitudes and minimum terrain clearance altitudes. It has been determined that where the minimum VOR reception altitudes and the minimum terrain clearance altitudes differ, it is operationally necessary that not only the minimum reception altitudes but also the minimum terrain clearance altitudes be published for the information of those who use the airways. In addition, it has been determined that flight of aircraft at the higher of these two altitudes is essential in the interest of safety and will be required. The amendment does not impose additional burdens upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required.

Section 610.3 (c) is revised to read:

§ 610.3 *Operation procedures over mountainous terrain and along particular routes.* * * *

(c) *Minimum terrain clearance altitudes.* At certain locations VOR reception may not be adequate under normal operating conditions at the minimum terrain clearance altitude along a route segment. Where it is necessary to fly at an altitude higher than the minimum terrain clearance altitude to assure acceptable VOR reception, aircraft must be flown at the higher altitude, and this altitude will normally be published as the minimum en route IFR altitude for that route segment. At points where the minimum en route IFR altitude is higher than the minimum en route terrain clearance altitude, the altitude specified will be denoted by an asterisk and the minimum terrain clearance altitude will be shown as advisory information:

Example:
Roswell, N. Mex.— Hobbs, N. Mex.— [1] 7,000

[1] 5,500'—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 6, 1953.

[SEAL] F. B. Lee,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1224; Filed, Feb. 5, 1953; 8:45 a. m.]

[Amdt. 28]

Part 610—Minimum en Route Instrument Altitudes

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable.

Part 610 is amended as follows:

1. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Troy (INT), Ohio	West Jefferson (INT), Ohio.	2,300
West Jefferson (INT), Ohio.	Columbus, Ohio (LFR).	2,400

2. Section 610.101 *Amber civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Burbank, Calif. (LFR)[1]	Newhall, Calif. (LFR).	7,000
Newhall, Calif. (LFR)[2]	Lebec, Calif. (FM) north-bound.	10,000

[1] 5,000'—Minimum crossing altitude at Burbank, north-bound.
[2] 7,000'—Minimum crossing altitude at Newhall, north-bound.

3. Section 610.102 *Amber civil airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Helena, Mont. (LFR)	Craig (INT), Mont.	9,500
Craig (INT), Mont.	Great Falls, Mont. (LFR).	8,500

4. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La. (LFR).	Jackson, Miss. (LFR).	2,000

5. Section 610.106 *Amber civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Macon, Ga. (LFR)	Atlanta, Ga. (LFR)	2,100

6. Section 610.290 *Red civil airway No. 90* is amended to read in part:

From—	To—	Minimum altitude
Camarillo, Calif. (LFR).	Canoga Park, Calif. (LF/RBN).	5,000
Canoga Park, Calif. (LF/RBN).	Burbank, Calif. (LFR):	
	East-bound	8,000
	West-bound only	5,000

7. Section 610.609 *Blue civil airway No. 9* is amended by adding:

From—	To—	Minimum altitude
Springfield, Mo. (LFR).	Columbia, Mo. (LFR).	2,300

8. Section 610.1002 *Direct routes; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Jackson, Miss. (LFR)	Baton Rouge, La. (LFR).	2,000

9. Section 610.6002 *VOR civil airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Ellensburg, Wash. (VOR).	Ephrata, Wash. (VOR).	7,000
Ephrata, Wash. (VOR).	Spokane, Wash. (VOR).	5,000
Spokane, Wash. (VOR).	Mullen Pass, Idaho (VOR).	9,000
Mullen Pass, Idaho (VOR).	Missoula, Mont. (VOR).	9,000
Missoula, Mont. (VOR).	Drummond, Mont. (VOR).	9,000
Drummond, Mont. (VOR).	Helena, Mont. (VOR).	9,000
Livingston, Mont. (VOR).	Billings, Mont. (VOR).	9,000
Billings, Mont. (VOR).	Miles City, Mont. (VOR).	5,000

10. Section 610.6005 *VOR civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Xenia (INT), Ohio	Columbus, Ohio (VOR)	2,400

11. Section 610.6008 *VOR civil airway No. 8* is amended by adding:

From—	To—	Minimum altitude
Kremmling, Colo. (VOR), direct.	Grand Junction, Colo. (VOR), direct.	14,000

12. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
McComb, Miss. (VOR), Dir. or W. alter.	Jackson, Miss. (VOR), Dir. or W. alter.	2,000

13. Section 610.6019 *VOR civil airway No. 19* is amended by adding:

From—	To—	Minimum altitude
Sheridan, Wyo. (VOR).	Billings, Mont. (VOR).	8,000
Billings, Mont. (VOR).	Lewistown, Mont. (VOR).	8,000
Lewistown, Mont. (VOR).	Great Falls, Mont. (VOR).	9,000

14. Section 610.6025 *VOR civil airway No. 25* is amended by adding:

From—	To—	Minimum altitude
The Dalles, Oreg. (VOR).	Yakima, Wash. (VOR).	8,000

15. Section 610.6097 *VOR civil airway No. 97* is amended to eliminate:

From—	To—	Minimum altitude
La Crosse, Wis. (VOR), via E alter.	Prescott (INT), Minn.	2,600
Prescott (INT), Minn.	Minneapolis, Minn. (VOR), via E alter.	2,400

16. Section 610.6120 *VOR civil airway No. 120* is added to read:

From—	To—	Minimum altitude
Great Falls, Mont. (VOR).	Lewistown, Mont. (VOR).	9,000
Lewistown, Mont. (VOR).	Miles City, Mont. (VOR).	8,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 10, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1275; Filed, Feb. 5, 1953; 8:53 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 3-53]

PART 11—REGISTRATION OF COMMUNIST ORGANIZATIONS AND MEMBERS THEREOF

DEFINITION OF TERMS: MONEYS RECEIVED AND MONEYS EXPENDED

JANUARY 29, 1953.

Section 11.100 *Definitions of terms used in this part* of Chapter I of Title 28 of the Code of Federal Regulations, is amended by adding thereto at the end thereof paragraphs (g) and (h), reading as follows:

(g) The term "moneys received" shall include, but shall not be necessarily limited to, all moneys and other things of value received by the registrant from rents, sales, bazaars, benefits, socials, parties, entertainments, gifts, donations, contributions, subscriptions, subsidies, legacies, grants, or funds held in trust for the benefit of the registrant.

(h) The term "moneys expended" shall include, but shall not be necessarily limited to, all moneys and other things of value which a registrant expends by way of purchase, barter, gift, donation, subscription, transfer, conveyance, lease, subsidy, assignment, endowment, or release.

(Sec. 7, 64 Stat. 993; 50 U. S. C. 786)

This order shall become effective upon the date of its publication in the FEDERAL REGISTER.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 53-1267; Filed, Feb. 5, 1953; 10:06 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 14, Amdt. 37]

GOR 14—EXCEPTED SERVICES

TELEPHONE CHARGES BY HOTELS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 37 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 37 to General Overriding Regulation 14 removes from price stabilization regulations surcharges for telephone services made by hotels for such services rendered to their guests.

Most hotels provide switchboard telephone service as an incident of their primary function of providing living accommodations to the guests. In such instances the telephone equipment, the switchboard and necessary extensions, is leased from the telephone company and the lessee is charged for the service at the scheduled rate of the telephone company established by state and federal regulatory authorities. In the operation of such switchboard equipment the hotel provides the operator. Hotels customarily make a surcharge for outgoing local telephone calls of their guests in addition to the telephone company's charge to offset in part the expense of providing those services.

The provisions of this amendment do not extend to charges for telephone answering services or charges for telephone services rendered through switchboards in establishments other than hotels as defined in the Housing and Rent Act of 1949. In addition, it applies only where the surcharge is made on each call. Where a flat fee is charged for secretarial desk service in addition to switchboard telephone service, the additional services are not separable from the local telephone call surcharge, and such fees are not included in this exemption.

The administrative difficulty of maintaining controls on these telephone services, and their insignificant effect upon the cost of living of the average American family justify their exemption at this time.

In the formulation of this amendment informal consultation has been held with representatives of the industry, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director the provisions of this amendment are generally fair and equitable and are proper to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

(1) Section 3 (a) of General Overriding Regulation 14 is amended by adding at the end thereof the following:

(134) Switchboard services in placing outgoing non-toll telephone calls for guests of hotels where the charge is made for each call. For the purposes of this exemption a hotel is any establishment which is commonly known as a hotel in the community in which it is located, which customarily provides rooms for transient guests who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial desk service, use and upkeep of furniture and fixtures, and bellboy service.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This Amendment shall become effective on February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1308; Filed, Feb. 4, 1953; 4:53 p. m.]

[Ceiling Price Regulation 110, Amdt. 4]

CPR 110—MANUFACTURERS OF COPPER WIRE MILL PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 110 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes dollars and cents ceiling prices for certain copper wire mill products and for certain reel sizes and constructions.

Approximately three million different copper wire mill items are covered by CPR 110. These items cover all size ranges and constructions made by over 150 manufacturers. In the original issuance of CPR 110, a great many of these items were listed in four price books. Because of the large number of items manufactured, it was impossible to list all these items, making it necessary for ceiling prices of unlisted grades to be established by formula or special applications. This amendment adds several new price sheets to the four price books establishing specific ceiling prices for many products which were previously unlisted. It corrects several clerical errors in the price books and clarifies the presentation of certain listed ceiling prices. It also adds ceiling prices for previously unlisted sizes and constructions of reels, spools, and cases.

This amendment will not affect the level of prices prevailing in the industry.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 110 is amended in the following respects:

1. Section 2 (a) (2) is amended to read as follows:

(2) The ceiling prices for all such products except special wiring harnesses and assemblies and special power supply cords and cord sets are set forth in four price books, official copies of which are filed with the Federal Register and the Recording Secretary, Office of Price Stabilization, Washington, D. C. These price books are composed of portions of the price lists or of the pricing formulae published by various manufacturers and are open to inspection by the public. In addition to those sheets originally issued with the issuance of CPR 110, additional sheets to formulate, correct, explain and supplement those first issued have been added. The products covered by these new sheets are enumerated in Appendix B. These new sheets also have been filed with the Federal Register and the Recording Secretary, Office of Price Stabilization, Washington, D. C., and are an official part of the four price books which are open to inspection by the public. Paragraphs (b) through (e) of section 2 contain provisions which you must follow in determining your ceiling prices for products covered by the price books. Paragraphs (f) and (g) of this section contain the provisions for determining your ceiling prices for special wiring harnesses and assemblies and paragraph (h) contains the provisions for determining your ceiling prices for special power supply cords and cord sets.

2. Table A, section 4 (b) (1) is amended to read as follows:

TABLE A—DEPOSITS FOR REELS, SPOOLS, AND CASES

[Including wooden bucks and pallets]

	Wood	Wood and metal	Metal	Aluminum	Specials
Spools:					
1½–3¾	$0.50	$0.50	$0.50	$0.50	$0.50 Molded plastic.
4–6	1.00	1.00	1.00	3.00	1.50 Fiber.
6½–9	1.50	2.00	3.00	----------	
10–12	4.00	4.00	4.00	4.00	9.00 Steel-copper plated.
14–16	5.00	7.00	7.00	----------	18.00 Steel-copper plated and steel (buncher).
18–20	7.00	9.00	9.00	----------	
21–23	8.00	10.00	10.00	----------	36.00 Heavy steel
Reels:					
24–26	15.00	25.00	30.00	----------	------
28–29	15.00	25.00	35.00	----------	------
30	15.00	25.00	40.00	----------	------
32–34	15.00	25.00	45.00	----------	------
36–40	25.00	25.00	55.00	----------	------
42–46	36.00	36.00	65.00	----------	------
48	44.00	44.00	65.00	----------	------
50–58	60.00	60.00	110.00	----------	------
60–64	70.00	70.00	144.00	----------	------
66–68	80.00	80.00	163.00	----------	------
70–74	100.00	100.00	206.00	----------	------
75–82	110.00	110.00	238.00	----------	------
84–86	200.00	200.00	313.00	----------	------
88	220.00	220.00	313.00	----------	------
90	225.00	225.00	450.00	----------	------
92–94	230.00	230.00	450.00	----------	------
96–106	250.00	250.00	500.00	----------	------
108–112	400.00	400.00	600.00	----------	------
116	----------	----------	1,000.00	----------	------
120	----------	----------	1,500.00	----------	------
123	----------	----------	1,900.00	----------	------

OTHER CONTAINERS

Wooden bucks	$2.00
Wooden cases	4.00
Wooden pallets (6½")	15.00
Wooden pallets (10" x 12")	30.00

SPECIALS—ACCESSORIES

Cradle frame and steel shaft	$700.00
Brake band and handle	150.00
Lifting yoke	350.00
Reservoirs	300.00
Sylthons	200.00

3. Appendix B is added to read as follows:

APPENDIX B

Book	Section	Page No. where applicable	Sheet description	Page replaced or followed
A	3	----------	Discount schedule AF fixture wire	Follows 13 and 14.
A	3	65–4	Asbestos cable AIA	Replaces 65–4.
A	3	65–10	Asbestos cable AVA	Follows 65–9.
A	4	40–1A	Braided aluminum building wire	Follows 42–2.
A	4	4–5	TW aluminum building wire	Follows 40–1A.
A	4	44–2A	Aluminum service cable	Follows 4–5.
A	4	44–3A	do	Follows 44–2A.
A	4	44–10A	Aluminum underground service cable	Follows 44–3A.
A	4	44–11A	do	Follows 44–10A.
A	4	44–12A	do	Follows 44–11A.
A	4	44–OOA	Zone index	Follows 44–12A.
A	4	----------	Aluminum aerial cable	Follows 44–OOA.
A	4	----------	do	Follows above.
A	5	50–2	4001–5000 V type RR cable	Replaces 50–2.
A	6	80–3	Thermoplastic street lighting cable	Replaces 80–3.
A	7	75–9	Varnished cambric cable	Follows 4.
A	7	75–10	do	Follows 75–9.
A	7	75–11	do	Follows 75–10.
A	7	75–12	do	Follows 75–11.
A	7	75–13	do	Follows 75–12.
A	7	75–14	do	Follows 75–13.
A	7	75–15	do	Follows 75–14.
A	7	75–0	Varnish cambric cable zone index	Follows 75–15.

APPENDIX B—Continued

Book	Section	Page No. where applicable	Sheet description	Page replaced or followed
A	7	75-16	Aluminum varnished cambric cable	Follows 75-0.
A	7	75-17	Varnished cambric special construction	Follows 75-16.
A	8	8-6	90 applianee wiring	Follows 41-2.
A	9	FCS-17	Extruded type neoprene jacketed cords	Replaces B-335.
A	9		Wholesaler's cost sheet	Replaces B-132.
A	9		Motor lead wire	Follows above.
A	12	67-2	Textile-insulated interphone cable	Follows 67-1.
A	12	68-2	Paper-insulated telephone eable	Follows 68-1.
A	12	68-3	do	Follows 68-2.
A	12	68-4	do	Follows 68-3.
A	12	68-5	do	Follows 68-4.
A	13	58-10A	Aluminum starter cable	Follows 52G.
B	Bare	21	Bare wires, cable	Replaces 21.
B	do	21-1	Bare wires, cables	Replaces 21-1.
B	do	21-3	Bare wires, cables, insulators	Replaces 21-3.
B	do		Base prices bare wire for manufacturers	Follows 21-3.
B	do	2-1-34	Composite copperweld, copper	Follows 21-15.
B	do	2-3-48	do	Follows 2-1-34.
B	do	2-5-31	do	Follows 2-3-48.
B	Weatherproof		Covered eleetrieal conductor	Replaces 33-01, 33-01A.
B	do		Polyethylene weatherproof aluminum	Follows above.
B	Magnet	AC	Magnet special items construction	Follows AB.
B	Magnet	AD	Magnet wire differentials	Follows AC.
B	do	AE	do	Follows AD.
B	do	36-19A	Aluminum magnet wire	Follows AE.
C			Instruction index	Replaces instructions.
C	B	3	Instruetion	Replaces B-3.
C	B	3A	do	Follows B-3.
C	B	8A	do	Follows B-8.
C	B	26	do	Follows B-25.
C	B	27	Copper weights	Follows B-26.
C	D	2	Instruetions	Follows D-1.
C	D	3	do	Follows D-2.
C	D	4	do	Follows D-3.
C	D	5	do	Follows D-4.
C	D	6	do	Follows D-5.
C	D	7	do	Follows D-6.
C	D	8	do	Follows D-7.
C	D	9	do	Follows D-8.
C	Quantity discounts.		Quantity discounts index	Replaces index.
C	do	6	do	Follows QD-5.
C	Jacket coverings.	15	Jacket coverings	Follows 14.
C		21	Multiple conductor control cable	Replaces 21.
D			Instruetion index	Replace instruction index.
D	B	1	Coverings	Replace B, page 1.
D	B	5 and 6	Instructions	Follows B, page 4.
D	B	7	do	Follows B, page 6.
D	B	8	do	Follows B, page 7.
D	C	2	High pressure pipe type cable	Replaee C, page 2.
D	C	3	Accessories	Follows C, page 2.
D	C	4	do	Follows C, page 3.
D	C	4A	Instructions	Follows C, page 4.
D	C	5	do	Follows C, page 4A.
D	D	2	do	Follows D, page 1.
D	D	3	do	Follows D, page 2.
D	D	4	do	Follows D, page 3.
D	D	5	do	Follows D, page 4.
D	D	6	do	Follows D, page 5.
D	D	7	do	Follows D, page 6.
D	D	8	do	Follows D, page 7.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 10, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1331; Filed, Feb. 5, 1953; 11:24 a. m.]

[Ceiling Price Regulation 34, Amdt. 2 to Supplementary Regulation 24]

CPR 34—SERVICES

SR 24—LINEN SUPPLIERS LOCATED IN METROPOLITAN NEW YORK AREA: SALES OF CERTAIN LINEN SUPPLY SERVICES TO SMALL COMMERCIAL USERS

EXTENSION OF COVERAGE TO INCLUDE CERTAIN COUNTIES IN NEW JERSEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 24 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to Supplementary Regulation 24 to Ceiling Price Regulation 34 extends the coverage of this supplementary regulation so as to include linen service suppliers located in the Counties of Bergen, Passaic, Hudson, Essex, Union, Middlesex and Mercer in the State of New Jersey. The inclusion of these linen suppliers in the same regulation with New York linen supply service sellers has ample precedent in action taken by OPA. Furthermore, these counties comprise the Newark, New Jersey area and historically have been considered as a part of the Metropolitan New York area.

The statement of considerations contained in the formulation of Supplementary Regulation 24 is equally applicable to the sellers affected by this amendment and is incorporated herein by reference.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 24, as amended, to Ceiling Price Regulation 34 is further amended in the following respects:

1. Delete the phrase "New York City Area" wherever it appears in sections 1, 3, 4 (a), 5 (c), 8 (b), 8 (c) and Appendix A of Supplementary Regulation 24, as amended, to Ceiling Price Regulation 34, and insert in lieu thereof, the phrase "Metropolitan New York Area".

2. Paragraph (c) of section 8 is amended to read as follows:

(c) "Metropolitan New York Area" means the Counties of New York, Kings, Queens, Bronx, Richmond, Nassau, Suffolk and Westchester in the State of New York and the Counties of Bergen, Passaic, Hudson, Essex, Union, Middlesex and Mercer in the State of New Jersey.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1303; Filed, Feb. 4, 1953; 4:52 p. m.]

[General Overriding Regulation 9, Amdt. 34]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF INDUSTRIAL STEEL WOOL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 34 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control all sales of industrial steel wool.

The cost of industrial steel wool used by the major users thereof (the furniture, homebuilding, aircraft, railroad, shipbuilding and chemical industries) is not a significant factor in the cost of living or business costs. The annual sales volume is approximately $5,000,000. Further, the fact that industrial steel wool is currently selling substantially below established ceiling prices and the industry is operating at about 50 per cent of capacity precludes the possibility that the removal of price control will result in any significant increase in prices or will affect sales or prices of other commodities through diversion of materials, labor, or facilities.

The special nature of the provisions of this amendment made it impracticable to

consult with industry representatives or trade association representatives, but consideration has been given to the advice of various members of the metals industry with regard to the exemption of industrial steel wool.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended by adding to section 2 (a) a new subparagraph (34) reading as follows:

(34) *Sales of industrial steel wool.* "Industrial steel wool" means a shredded steel wire product sold for industrial or commercial use including use as an abrasive, cleaning or filtering agent. It does not include steel wool which is further processed by cutting, trimming, packaging, or impregnating with soap and which is designed for household use.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 34 to General Overriding Regulation 9 is effective February 4, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1307; Filed, Feb. 4, 1953; 4:53 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 7]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 7—CENTRAL WESTERN WASHINGTON MILK MARKETING AREA, STATE OF WASHINGTON

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), the Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679), this Amendment 2 to Area Milk Price Regulation 7 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Area Milk Price Regulation 7 is meant to provide the fluid milk industry, in the territory covered, with such relief as it is entitled to at this time under the provisions of Supplementary Regulation 63 to the General Ceiling Price Regulation.

It is to be noted that subsequent to the original issuance of AMPR 7, the industry made two formal petitions for further relief, in each instance the Office of Price Stabilization determined that the relief already provided was adequate. It now appears, however, that certain new costs applicable to the receipt by the dairies of raw milk have been incurred and, together with the discovery of a minor error in the former processing of the industry's petitions, these satisfy the Regional Director that some adjustment should be made.

Fundamentally, the increased costs, above referred to, stem from a shift in the method of delivering milk from the farms where it is produced to the plants where it is processed. Thus, in the base period, the first half of 1950, most raw milk was delivered in five-gallon cans while now a considerable percentage is delivered by tankers. In addition, tankers are drawing an increasing amount of milk from ground tanks recently installed on the producing farms. The Office of Price Stabilization has found that this results in an increase in cost of 0.0783 cent per sales point. With the error of 0.061 cent per sales point above referred to, it now appears that there have been, since the base period, cost increases per sales point as follows: (1) Producer milk, 3.461 cents (2) direct labor, including distribution labor and commission costs, 0.55 cent (3) containers, cans, and cases, 0.283 cent.

The figures for raw milk are based on costs prevailing in December 1952, and the recent determination of the changes due to the increased use of tankers. Figures for labor and containers cost increases are based on May 1952, when the industry made its last formal petition, it being assumed that there have been no significant changes since such time.

It has been determined that the most expeditious and practical method of reflecting the relief necessary is to adjust the producer price previously specified in section 10 (a) by an amount equal to that which would provide the producers with the relief to which they are entitled if they purchased milk at such figure and sold it at the ceiling prices specified in section 4.

The functions and territorial coverage of the Seattle District Office have recently been taken over by the Seattle Regional Office. Accordingly, AMPR 7 is further amended by substituting a reference to the Seattle Regional Office in each place where a reference to the Seattle District Office previously appeared.

In the judgment of the Regional Director, the provisions of this amendment to Area Milk Price Regulation No. 7 in Region XIII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 7.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 7 is amended in the following respects:

1. Section 10 (a) is amended by deleting the figure $6.063 in the fifth line thereof and inserting in lieu thereof, the figure $5.928 so that section 10 (a), as amended, reads as follows:

SEC. 10. *Producer prices.* (a) The producer price for milk on which are based the adjusted ceiling prices specified or determined pursuant to section 4 or 5 of this regulation, is $5.928 per hundredweight for milk of 4 percent butterfat content, f. o. b. plant, which in the Federal Marketing area is milk defined by the Federal Marketing Administrator as Class I milk, and which in areas outside of the Federal Marketing area is milk specified by state or local health authorities as Grade A milk.

2. Whenever in the text of the regulatory provisions, the phrase "Seattle District Office" appears, there is substituted therefor, the phrase "Seattle Regional Office."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Area Milk Price Regulation 7 is effective on February 5, 1953.

HAROLD WALSH,
Regional Director, Region XIII, Office of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1330; Filed, Feb. 5, 1953; 11:24 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 16]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF CERTAIN FURS AND FUR PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the commodities suspended from price controls those furs, fur plates, fur shells, fur linings, fur trimmings and fur collars which were not exempted from controls by Amendment 5 to General Overriding Regulation 4, Revision 1 or suspended by Amendments 13 and 14 thereto. This action is being taken in line with the policy of suspending or otherwise relaxing controls on commodities when their selling prices are materially below ceilings and are not expected to reach ceiling prices in the foreseeable future.

The commodities covered by Amendment 5 to GOR 4, Revision 1 were exempted from price controls because they were not considered to be cost of living items to families of moderate or lower incomes. Subsequently, Amendments 13 and 14 to GOR 4, Revision 1, suspended from price controls virtually all articles of women's, misses', junior misses', men's and young men's apparel, including fur garments which had not previously been exempted from controls. This action was taken because such articles and the materials from which they

are made, were selling below ceilings and were not expected to reach ceilings within the foreseeable future. The furs suspended by this amendment are generally the materials used for making the articles of fur apparel heretofore suspended.

The comparatively limited price and production information that is available on the furs here suspended indicates that the prices of these commodities have remained substantially below their GCPR ceilings in recent months. Furthermore, the demand for these furs has been diminishing steadily, and although the domestic supply has been reduced to conform with the lessening of demand nonetheless the inventory carry-over of furs of this type has shown an increase during each of the last two years.

In view of the above considerations, it is the judgment of the Director of Price Stabilization that price controls on sales of these commodities are not required at this time to carry out the purposes of the Defense Production Act of 1950, as amended.

All records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

The Director has consulted with the Federal Trade Commission as to the proper designation of the furs listed in this regulation. The names used are those approved by the Federal Trade Commission and they apply to all furs properly designated by those names, although other names may have been commonly used in the trade to describe them. In some cases this amendment states the commonly used names of certain furs as well as their correct names; this is done for the sake of clarity alone, and is not to be construed as an approval of those commonly used names.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraphs:

(r) (1) The following furs:

American opossum.
Ariana otter.
Badger.
Bassarisk (sometimes referred to in the trade as ringtail cat).
Chekiang lamb, square handled.
Coyote wolf.
Dog.
Fox (except white fox, natural black fox, natural blue fox, silver fox, cross fox and all mutation fox).
Hair seal.
Hare.
Indian lamb.
Kidskin.
Labrador hair seal.
Lamb processed to simulate broadtail lamb.
Lincoln lamb.
Marmot.
Mouton lamb.
Muskrat.
Peschanik (sometimes referred to as Russian weasel).
Persian lamb paw.
Pony.
Rabbit.
Raccoon.
Mexican raccoon.
Skunk.
Spotted skunk (sometimes referred to in the trade as civet cat).
Wolf.
Beaver pieces.
Squirrel bellies.
Tails from all furs.

(2) The term "furs" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

(s) Fur plates made from the furs suspended from price controls under paragraph (r) of this section.

(t) Fur shells, fur linings, fur trimmings, and fur collars, in which the furs or fur plates used are those suspended from price controls under paragraphs (r) and (s) of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1332; Filed, Feb. 5, 1953; 11:24 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 18]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SUSPENSION OF MACHINE-DISPENSED DRINKS SIMILAR TO "SOFT DRINKS"

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order Number 2, this Amendment 18 to Revision 1 of the General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 18 to General Overriding Regulation (GOR) 7, Revision (Rev.) 1, suspends the application of ceiling price regulations, with some exceptions, to sales of drinks similar to "soft drinks" (which are defined in GOR 7, Rev. 1, Sec. 13 (b) as bottled drinks) when those sales are made in containers other than bottles through automatic coin-operated vending machines. The exceptions are Ceiling Price Regulations (CPR's) 11, 120, and 134 (pertaining to sales by restaurants and eating and drinking establishments) which apply to "soft drinks" and will continue to apply to the drinks covered by this amendment.

Before the issuance of this regulation, controls on the sales of "soft drinks", including those made through automatic coin-operated vending machines, were suspended (except for CPR's 11, 120, and 134) but the sales of the same or similar drinks not bottled, through automatic coin-operated vending machines, were subject to price control. This resulted from the definition of "soft drinks" contained in GOR 7, Rev. 1, Section 13 (b).

The same economic reasons that existed for the suspension of price controls on the sale of "soft drinks" (as set forth in the Statement of Considerations to Amendment 12 to GOR 7, Rev. 1) also exist for the sale of similar drinks when machine-dispensed in containers other than bottles. Therefore, this amendment extends the suspension to such non-bottled machine-dispensed drinks.

Because of the nature of this amendment, consultation with industry representatives, including trade association representatives, has been impracticable. In the judgment of the Director, this action is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Section 13, Article III, of GOR 7, Revision 1, is amended by the addition of the following:

(c) Section 13 (a) also applies to the sales of drinks through automatic coin-operated vending machines in containers other than bottles if the drinks are similar to "soft drinks" as defined in Section 13 (b). This provision does not suspend price control on the sale of such drinks as coffee, tea, or chocolate.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1333; Filed, Feb. 5, 1953; 11:24 a. m.]

[General Overriding Regulation 9, Amdt. 33]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF WET GROUND MICA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 33 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts wet ground mica from price control.

Wet ground mica is used in the paint, rubber tire, plastic, and paper industry. The cost of this material represents only a negligible portion of the cost of production in which it is used. The Wet Ground Mica Industry in the United States consists of six companies with a total annual sales volume of about $1,500,000. This material is in adequate supply and is sold in competition with other types of material. Decontrol of wet ground mica will have no significant effect on the general level of prices nor will it serve to divert any manpower or

materials from other industries remaining under price control. Ceiling price restrictions imposed on this material also involve an administrative burden out of proportion to its effect on the economic stabilization program.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of General Overriding Regulation 9 is amended by adding the following subparagraph.

(33) Sales of wet ground mica.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1334; Filed, Feb. 5, 1953; 11:25 a. m.]

[General Overriding Regulation 9, Amdt. 35]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF ALL MODELS OF USED PASSENGER AUTOMOBILES PRIOR TO 1946 MODELS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 35 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 suspends from control sales of all models of used passenger automobiles prior to the 1946 models. This represents a substantial part of used automobiles, but special considerations make the suspension of controls on this group desirable at this time while price control is retained on postwar used automobiles.

In general, a comparison of current market and current established ceiling prices of even the most popular makes in this pre 1946 group indicates that market prices are between twenty and thirty percent below ceiling prices. However, individual differences among these older cars are so great that ceiling prices, which are average prices reflecting the top market price of the best cared for automobile, are not as useful or realistic as ceiling prices on the newer models of used cars where there is a somewhat greater uniformity. A great percentage of these older cars are continually being eliminated from the market as junk and the ceiling price established bears no relation to their junk value. Some of these older cars have received exceptional care and thus can sell at a somewhat higher price, although still below the ceilings presently established. The exceptional diversity in quality existing in this older group ranging from a considerable percentage in the "junk" class to a few of considerable quality, makes a continued use of ceiling prices not useful at this time. The administrative effort and the requirements on dealers in maintaining these ceiling prices are not presently warranted by the state of the market.

It is not anticipated that the prices of these used automobiles, suspended from price control by this amendment, will reach existing ceiling prices if present conditions continue. This conclusion is further supported by reason of the fact that present controls involve a two percent depreciation of existing ceiling prices of used automobiles at the beginning of each calendar quarter.

It is therefore the judgment of the Director of Price Stabilization that price controls on sales of all models of used automobiles prior to 1943 models are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended.

Before the issuance of this amendment consultation was held with representative members of the industry, including trade association representatives to the extent practicable, and due consideration was given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (b) of General Overriding Regulation 9 is amended by addition of the following:

(8) *All models of used passenger automobiles prior to 1946 models.* Sales of all models of used passenger automobiles prior to 1946 models.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1336; Filed, Feb. 5, 1953; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 36]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

CUSTOM BUILT PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 36 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts from price control all sales of new special custom built passenger automobiles. A special custom built passenger automobile is one which is not produced by usual assembly line quantity production methods, but embodies a considerable amount of hand labor. The custom built automobiles covered by this subparagraph must differ in their specifications from standard production models, and in any one make must be produced in quantities of less than 500 units in a calendar year and must carry a factory suggested list price in excess of $5,000.

Several manufacturers of passenger automobiles are engaged exclusively in the manufacture of special custom built passenger automobiles. Other manufacturers of quantity production cars contemplate introducing special custom built passenger automobiles in limited numbers.

All these manufacturers are attempting to tap an exclusive market where price is not of primary concern to the purchaser. These luxury automobiles will be produced in limited numbers and total sales will have no material impact on the national economy.

In view of the foregoing circumstances, the Director finds that the administrative burden on the agency and affected industry of establishing and maintaining ceiling prices on custom built passenger automobiles would be disproportionate to the benefits gained thereby.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of General Overriding Regulation 9 is amended by addition of the following:

(35) *Special custom built passenger automobiles.* Sales of new special custom built passenger automobiles. A special custom built passenger automobile is one which is not produced by usual assembly line quantity production methods, but embodies a considerable amount of hand labor. The custom built automobiles covered by this subparagraph must differ in their specifications from standard production models, and in any one make must be produced in quantities of less than 500 units in a calendar year and must carry a factory suggested list price in excess of $5,000.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1337; Filed, Feb. 5, 1953; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 37]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

FOREIGN MADE USED PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 37 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts from price control all sales of foreign-made passenger automobiles when sold as used cars. Registration figures show a total of approximately 100,000 foreign-made passenger automobiles of all years, makes and models in service in this country. This compares with a national total of 50,000,000 for both foreign and domestic made cars. The foreign total is less than one-tenth of one percent of all registrations.

After examining all the available information concerning market prices of the most popular foreign makes of passenger automobiles imported to this country, it was learned that there had been no compilation of statistics earlier than the 1948 models. In fact, no price information is available with respect to almost one-third of all foreign makes imported to this country. It seems clearly evident that difficulty is being experienced in securing any worthwhile information concerning market values, so thin is the market.

In those instances where the automobile is not listed in the Appendix of Ceiling Price Regulation 94, the OPS district offices must effect individual pricing. In such cases the task is made even more burdensome.

It is felt that this very small segment of the used car market which approximates less than one-tenth of one percent may safely be exempted from price controls without having any material impact upon our national economy.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of General Overriding Regulation 9 is amended by addition of the following:

(36) *Foreign made used passenger automobiles.* All sales of foreign-made passenger automobiles when sold as used cars are hereby exempted from price controls.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1338; Filed, Feb. 5, 1953; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 38]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF MODIFIED PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 38 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of passenger automobiles which have been radically modified from their original standard specifications. This group includes the so-called "hot-rod", and special sport, speed or appearance vehicles which have been built by individuals, usually at considerable expense, often as a result of experiment or hobby. This exemption will relieve the field offices of the administrative burden of establishing individual selling prices for these vehicles, as is now required under the provisions of Ceiling Price Regulation 94, the regulation covering sales of used passenger automobiles. This action will have little or no effect on the stabilization program.

Passenger cars which are modified by the addition or installation of various items of extra, special or optional equipment sold by the manufacturer of the original car, are not affected by this exemption but continue to be subject to Ceiling Price Regulation 94. Taxicabs which are usually altered to adapt them to their special use are not exempted by this action.

In the formulation of this amendment, there has been consultation with industry representatives, including trade representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

A new subparagraph (37) is added to section 2 (a) to read as follows:

(37) Sales of used passenger automobiles, other than taxicabs, which have been subjected to functional or structural change, except for the purpose of repair, to the extent indicated in at least one of the following three categories. The addition, installation or substitution of standard extra, special or optional equipment sold by the manufacturer of the original car is not a "change" within the meaning of this subparagraph.

(i) *Engine* (Any two of the following changes plus compensating modifications required thereby).

(*a*) Addition of a supercharger.

(*b*) Installation of dual carburetion.

(*c*) Installation of a high compression cylinder head.

(*d*) Installation of dual exhaust system.

(*e*) Installation of new cam shaft with new valves.

(*f*) Installation of Magneto electrical system.

(ii) *Body* (Any one of the following changes plus compensating modifications required thereby).

(*a*) Change in height, width or length of the original standard body.

(*b*) Alteration of original body type to a different body type.

(iii) *Chassis* (Any two of the following changes).

(*a*) Clutch.

(*b*) Transmission.

(*c*) Differential and rear axles.

(*d*) Wheels of different specifications from original.

(*e*) Spring suspension.

(*f*) Wheelbase.

(*g*) Radiator.

(*h*) A change of both fenders and hood in the form of replacement of the original fenders and hood.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1339; Filed, Feb. 5, 1953; 4:01 p. m.]

[General Overriding Regulation 34, Amdt. 6]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

EXEMPTION OF SITKA SPRUCE CIGAR BOX SHOOK

This Amendment 6 to GOR 34 exempts from price control all levels of sale of Sitka Spruce cigar box shook.

Wooden cigar box shook produced from Sitka Spruce accounts for only a minor part of the materials used in the manufacture of cigar boxes.

Sitka Spruce cigar box shook, the component wooden parts of a cigar box, cut to specifications and ready for assembly, is made by only one relatively small company employing about 140 persons and consuming about 6,000,000 board feet of low grade logs annually.

The decision to take this action was made because Sitka Spruce cigar box shook does not enter significantly into the cost of living, or into business costs, and because of the relative insignificance of cigar box shook involved in the cost of packaged cigars. Cigar boxes made entirely of wood or wood and paper combined, were previously exempted by Amendment 2 to GOR 34. Ceilings for the shook affected by this action were previously determined under the General Ceiling Price Regulation.

Because of the limited end-use of the shook and the fact that it must compete with other materials, it is expected that only minor price increases in the shook, if any, will result from this action, and that there will be no diversion of materials, labor, or facilities.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives including trade associations and has given full consideration to their recommendations. In his opinion the exemption provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

Section 2 is amended by adding a paragraph (q) to read as follows:

(q) Sitka Spruce (Picea Sitchensis) cigar box shook. As used in this paragraph, the term "cigar box shook" means

the component parts of a cigar box cut to specifications and ready for assembly.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1341; Filed, Feb. 5, 1953; 4:01 p. m.]

[General Overriding Regulation 9, Amdt. 39]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

DECONTROL OF FULLER'S EARTH, AND GRAPHITE CRUCIBLES WITH RELATED CRUCIBLE ACCESSORIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts from price control all sales of Fuller's Earth, and graphite crucibles with related crucible accessories.

Fuller's Earth is a non-metallic mineral used primarily as a filtering agent. Graphite crucibles are used in the melting of non-ferrous metals. Both of these items are now in adequate supply and form only a very minor cost in any industrial process in which they are used. Their decontrol will have no significant effect on the general level of prices nor will it serve to divert any manpower or materials from other industries remaining under price control.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

GOR 9 is amended in the following respects:

Section 2 (a) is amended by adding the following subparagraphs:

(38) Sales of Fuller's Earth.
(39) Sales of Graphite Crucibles.

Graphite crucibles includes all types of graphite crucibles, carbon bonded silicon-carbide crucibles, and related crucible accessories of which natural graphite represents 15 percent or more of total weight.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 9 shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1340; Filed, Feb. 5, 1953; 4:01 p. m.]

[General Overriding Regulation 34, Amdt. 7]

GOR 34—EXEMPTIONS AND SUSPENSIONS OF CERTAIN LUMBER AND WOOD PRODUCTS

SUSPENSION OF HARDWOOD COMMERCIAL AND UTILITY TYPE VENEER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 7 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 7 to General Overriding Regulation 34 suspends from price control all hardwood commercial and utility type veneer. Heretofore, this veneer has been under the General Ceiling Price Regulation. The suspension affects all levels of sale. This Amendment also enlarges the coverage of GOR 34 to serve as a vehicle for suspension actions of certain lumber, wood products, and connected services.

Hardwood commercial and utility type veneer includes all hardwood veneer used in container type plywood and packaging-type plywood, and in the cores, crossbands and backs of other plywood.

The hardwood veneer industry is composed of about 540 plants, mostly of small size. Their combined production is about 11 billion square feet annually, and in 1951 commercial and utility type veneer accounted for slightly less than half the total. A large majority of the plants are integrated with plywood, basket, or wire-bound box operations. Not over 150 plants, which sell veneer on the open market, will be affected by this action at the producer level of sale. Open market sales are mostly to the plywood industry. Because of the softness of the plywood market, that industry was suspended from price controls by Supplementary Regulation 129 to the GCPR, issued December 18, 1952.

This action is taken in accordance with OPS policy to suspend price control under certain conditions for commodities selling markedly below ceiling. Available information indicates that hardwood commercial and utility type veneer is currently selling on the average about 8 percent below the GCPR level. The latest reports of the U. S. Bureau of the Census show that production in this industry during the second quarter of 1952 was nearly 22 percent below the level for the corresponding quarter of 1951. Hence, there appears little likelihood of any marked increase in prices as a result of this action.

The coverage of GOR 34 is extended to include suspension as well as exemption actions affecting lumber, wood products, and connected services because it is contemplated that OPS might publish a number of such suspension actions, and it is believed to be for the convenience of the public to combine into a single document all exemption and suspension actions affecting lumber, wood products, and connected services. All such commodities and services which shall hereafter be suspended from price control will be included in this General Overriding Regulation.

In formulating this Amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations, and he has also given due consideration to the furtherance of the objectives of the Defense Production Act of 1950, as amended. In his opinion, this suspension will not defeat or impair the objectives of the Act.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

1. The title of this regulation is amended to read as follows: GOR 34, Exemptions and Suspensions of Certain Lumber and Wood Products.

2. Section 1 is amended to read as follows: This General Overriding Regulation exempts or suspends from all price controls the lumber, wood products, and services specified in this regulation.

3. A new Section 4 is added to read as follows:

SEC. 4. *Suspensions.* Except as may otherwise be specified in this section, sellers and buyers of the products and services herein suspended must continue to preserve and make available for examination by the Office of Price Stabilization for the life of the Defense Production Act of 1950 and for two years thereafter, all records of such commodities and services which they were required to have prior to the effective date of suspension; but they need not prepare or keep any additional records of such items covering sales made during the period of suspension.

Sales of the following commodities or services are suspended from all price controls:

(a) Hardwood commercial and utility type veneer.

The term "hardwood commercial and utility type veneer" means veneer manufactured from the wood of any broadleaved deciduous tree for use in containers and packaging-type plywood, and in the cores, crossbands and backs of other plywood.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment is effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 5, 1953.

[F. R. Doc. 53-1335; Filed, Feb. 5, 1953; 11:25 a. m.]

Chapter V—Defense Production Administration

[DPA Regulation No. 1, Interpretation 1]

DPA REG. 1—ISSUANCE OF NECESSITY CERTIFICATES UNDER SECTION 124A OF THE INTERNAL REVENUE CODE

INTERPRETATION 1—TIME LIMITATION PROVISION IN NECESSITY CERTIFICATES

Questions have arisen as to the interpretation of the following time limitation provision which appears in certificates issued pursuant to the provisions of section 124A of the Internal Revenue Code:

As to the described facilities which are to be constructed, reconstructed, erected, or installed, this certificate shall be valid only with respect to those facilities the construction, reconstruction, erection, or installation of which is begun before the expiration of six months after the date of this certificate; and as to the described facilities which are to be acquired, or which are to be acquired and installed, this certificate shall be valid only with respect to those facilities acquired or contracted for before the expiration of six months after the date of this certificate.

This is interpreted as follows:

(a) *As to when construction begins.* The same rule has been adopted for time extension purposes as is applicable for predetermination purposes and as is set forth in section 4 (d) (4) of DPA Reg. 1, as amended February 14, 1952 (17 F. R. 1468); that is, that construction, reconstruction, erection, or installation is deemed to begin with the incorporation in place on the site by the applicant or by any other person pursuant to any contract, understanding, or arrangement directly or indirectly for or with the applicant, of physical materials as an integral and permanent part of any building, structure, or other real property (for example, the pouring or placing of footings or other foundations). Acquisition of land; engineering; contracting for construction; preparation of site; building of access roads; excavation; demolition; installation of service utilities required for construction; the fabrication, production, or processing of building materials or building equipment; or the acquisition of personal property to be installed in the building, structure, or other real property does not constitute beginning of construction, reconstruction, erection, or installation.

(b) *As to when acquisition is effected.* For the purpose of the time limitation provision, acquisition takes place when title passes or a contract to acquire is entered into.

(c) *Beginning of construction carries acquisitions connected therewith.* For the purpose of the time limitation provision, the requirements thereof are considered satisfied with regard to certified facilities to be acquired and used in connection with certified buildings or structures if the taxpayer begins the construction of such buildings or structures within the time specified: *Provided*, That the total dollar amount of the facilities which have been certified (without consideration of the percentage of certification) does not exceed $1,000,000, the beginning of construction of any structure certified will be considered to be the beginning of construction of all structures certified even though several separate structures are involved and even though one or more of the several separate structures may have been begun after the expiration of the period of time specified in the certificate, or any amendment thereof.

(Sec. 216, 64 Stat. 939; 26 U. S. C., Sup. 124A; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

DEFENSE PRODUCTION ADMINISTRATION,
JAMES P. DURKIN,
Assistant General Counsel.

[F. R. Doc. 53-1327; Filed, Feb. 5, 1953; 10:10 a. m.]

[DPA Regulation No. 1, Interpretation 2]

DPA REG. 1—ISSUANCE OF NECESSITY CERTIFICATES UNDER SECTION 124A OF THE INTERNAL REVENUE CODE

INTERPRETATION 2—VARIATIONS IN COSTS (SECTION 4 (j))

(a) Defense Production Administration Regulation No. 1, as amended February 14, 1952 (17 F. R. 1468), Issuance of Necessity Certificates Under Section 124A of the Internal Revenue Code, provides in section 4 (j) thereof that where the actual description or cost of a certified facility varies or will vary so materially from the description or cost in the application for certificate as to put in question the identity of the facility, the taxpayer may request an amendment of the certificate by filing a statement with the Certifying Authority setting forth the revised description or cost. This section also provides that, if the Certifying Authority is of the opinion that the varied or changed costs or descriptions are within the scope of the original certification, the amended Appendix A will be forwarded by the Certifying Authority to the Commissioner of Internal Revenue for substitution for the original Appendix A attached to the original certificate to have the effect of an amendment thereof.

(b) It is to be considered that there is not so material a variation as to put in question the identity of the facility and therefore that the varied description or cost is within the scope of the original certification and no amendment is necessary in the following cases:

(1) *Where the facility acquired or constructed is the same as that certified even though the actual cost exceeds the cost of the facility as estimated in the certificate.* Such increased cost may arise from increases in materials or labor, or from other factors.

(2) *Where the facility acquired or constructed varies from the facility certified and the actual cost exceeds by not more than 15 percent the cost estimated in the certificate.* The variations contemplated include increases in area, size, or capacity; acquisitions from a manufacturer or construction by a builder other than the one set forth in the certificate; additional attachments or spare parts; or variations in construction.

(Sec. 216, 64 Stat. 939, 26 U. S. C., Sup. 124A; E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

DEFENSE PRODUCTION ADMINISTRATION,
JAMES P. DURKIN,
Assistant General Counsel.

[F. R. Doc. 53-1326; Filed, Feb. 5, 1953; 10:10 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

TRAVEL EXPENSES; REGULAR FELLOWSHIPS

1. The first sentence of paragraph (d) of § 61.9 is hereby amended to read as follows:

(d) *Travel expenses; regular fellowships.* Any individual awarded a regular fellowship may, when authorized in advance by the Public Health Service, be granted separate allowances for transportation and subsistence expenses, not exceeding such amounts as may be prescribed by the Surgeon General, on account of (1) travel to the place at which he is to be located during the term of the fellowship; (2) travel required in carrying out the purposes of the fellowship, including attendance at meetings; and (3) travel to return him at the end of the fellowship term to his home or other place he left to carry out the fellowship, provided such return travel is to or from a place outside the continental United States. * * *

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 301, 58 Stat. 691, as amended, sec. 433, 64 Stat. 444; 42 U. S. C. and Sup. 241, 289c)

2. The foregoing amendment shall be effective on publication in the FEDERAL REGISTER.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: February 2, 1953.

OVETA CULP HOBBY,
Federal Security Administrator.

[F. R. Doc. 53-1276; Filed, Feb. 5, 1953; 8:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 882]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDERS NO. 4719 OF SEPTEMBER 12, 1927, AND NO. 5352 OF MAY 23, 1930; RESERVING PORTION OF RELEASED LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. Executive Orders No. 4719 of September 12, 1927, and No. 5352 of May 23, 1930, reserving certain public lands in Alaska for the use of the Bureau of Biological Survey, Department of Agriculture, in connection with its reindeer experiment station, are hereby revoked so far as they affect the following-described lands:

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,
Sec. 4, S½SE¼;
Sec. 8, that part lying southeast of the right-of-way of the Tanana Valley Railroad;
Secs. 9, 10, and sec. 11, with the exception of the areas included in U. S. Surveys Nos. 855, 1717, 1720, and 1790;
Sec. 14, N½ and N½SE¼;
Sec. 15, N½, N½SW¼, and NW¼SE¼;
Secs. 17 and 18, those parts lying southeast of the right-of-way of said railroad;
Sec. 19, that part of N½ lying southeast of the right-of-way of said railroad;
Sec. 20, W½;
Sec. 29, SE¼SW¼ and NE¼SE¼.

T. 1 N., R. 2 W.,
Sec. 24, that part lying southeast of the right-of-way of the Tanana Valley Railroad;
Sec. 25, N½;
Sec. 26, that part of E½ lying southeast of the right-of-way of said railroad.

The areas described aggregate approximately 5,185 acres of public land.

2. Subject to valid existing rights the following-described public lands in Alaska, a portion of the lands described in paragraph 1 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Air Force, for military purposes:

T. 1 N., R. 1 W.,
Sec. 15, SW¼NW¼SW¼;
Sec. 17, SE¼.

The areas described aggregate 170 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

3. The status of the following-described lands shall not be changed until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one-day preference-right period for filing such applications by veterans of World War II and others entitled to preference:

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,
Sec. 19, that part of N½ lying southeast of the right-of-way of the Tanana Valley Railroad;
Sec. 20, W½;
Sec. 29, SE¼SW¼ and NE¼SE¼.
T. 1 N., R. 2 W.,
Sec. 26, SE¼.

The areas described aggregate approximately 840 acres.

4. The remaining lands described in paragraph 1 shall become subject to application on the dates and in the manner hereinafter provided. No application for such lands may be allowed under the above-mentioned Small Tract Act of June 1, 1938, as amended, unless the land shall be classified as valuable or suitable for such type of application upon consideration of an application. These lands are mainly of limited suitability for grazing or forestry.

5. This order shall not otherwise become effective to change the status of the lands described in paragraph 4 until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, such lands shall be subject only to (1) application under the homestead laws or the Alaska Home Site Act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

6. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

7. Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Home Site Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10, inclusive, and Part 257 of that title.

8. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 2, 1953.

[F. R. Doc. 53–1246; Filed, Feb. 5, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.0]

ASPARAGIN

TARIFF CLASSIFICATION

FEBRUARY 2, 1953.

The Bureau by its letter to the collector of customs at Detroit, Michigan, dated February 2, 1953, ruled that asparagin is properly classifiable as an acid, not specially provided for, under paragraph 1, Tariff Act of 1930, rather than as a drug, advanced, under paragraph 34 of the tariff act.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 90 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53–1245; Filed, Feb. 5, 1953; 8:50 a. m.]

[493.1]

RONDELLES FOR JEWELRY

PROSPECTIVE TARIFF CLASSIFICATION

FEBRUARY 2, 1953.

It appears probable that rondelles, each consisting of two small circular metal disks or stampings which when placed together hold rhinestones or other imitation precious stones, are properly classifiable under paragraph 1527 (d), Tariff Act of 1930, as stampings of metal, whether or not set with glass or paste, finished or partly finished, suitable for

use in the manufacture of any of the articles provided for in paragraph 1527 (a) (b) or (c), Tariff Act of 1930.

Such a classification would result in the assessment of duty at a rate higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, as amended, notice is hereby given that the existing uniform practice of classifying such merchandise as beads under paragraph 1503, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 53-1277; Filed, Feb. 5, 1953; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1888]

NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF PETITION TO AMEND CERTIFICATE OF PUBLIC CONVIENCE AND NECESSITY

FEBRUARY 2, 1953.

Take notice that on January 21, 1953, Nevada Natural Gas Pipe Line Company (Applicant), a Nevada Corporation with its principal office in Las Vegas, Nevada, filed a petition to amend the certificate of public convenience and necessity authorized by order issued on June 23, 1952, in Docket No. G-1888.

Applicant proposes to construct and operate 114 miles of 12¾-inch pipeline, in lieu of the 114 miles of 10¾ inch pipeline authorized, extending from the proposed connection with the facilities of El Paso Natural Gas Company near Topock, Arizona to Las Vegas, Nevada, for the purpose of transporting natural gas for sale and distribution in the vicinity of Las Vegas and Henderson, Nevada. The additional cost of constructing the now proposed 12¾-inch pipeline will exceed by approximately $250,000 the estimated cost of constructing the 10¾-inch pipeline authorized. Such additional cost will be financed by increasing the amount of securities to be issued by substantially the same amount and by spreading such increased cost over bonds, preferred stocks, and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1266; Filed, Feb. 5, 1953; 8:53 a. m.]

[Docket Nos. G-1630, G-1631, G-1912]

EL PASO NATURAL GAS CO.

NOTICE OF PETITION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 2, 1953.

Take notice that on January 16, 1953, El Paso Natural Gas Company (Applicant), a Delaware Corporation with its principal office in El Paso, Texas, filed a petition to amend the certificate of public convenience and necessity authorized by order issued June 23, 1952.

Applicant requests removal of the restriction imposed in Docket Nos. G-1630, G-1631, and G-1912, on its authorized San Juan and Permian Basin natural gas pipeline facilities, for the maximum daily delivery of a total of 550 million cubic feet of natural gas to Pacific Gas and Electric Company; 555 million cubic feet to Southern California Gas Company and Southern Counties Gas Company of California; and 20 million cubic feet to Nevada Natural Gas Pipe Line Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1265; Filed, Feb. 5, 1953; 8.53 a. m.]

[Docket No. G-2000]

NEW YORK STATE ELECTRIC & GAS CORP.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

JANUARY 29, 1953.

On July 11, 1952, New York State Electric & Gas Corporation (Applicant), a New York corporation with its principal office in Ithaca, New York, filed an application for (1) an order declaring Applicant not to be a "natural-gas company" under the Natural Gas Act, by reason of any of the operations which it is presently engaged in, or proposes to engage in, in the area served by its Auburn-Geneva-Newark, New York, pipeline; or (2) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application, and supplement filed on August 27, 1952, which are on file with the Commission and open to public inspection.

Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on August 7, 1952 (17 F. R. 7196). On August 14, 1952, the Public Service Commission of the State of New York filed notice of intervention with the Commission.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds: Good cause has not been shown for granting Applicant's request that its application in Docket No. G-2000 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and its request should be denied as hereinafter ordered.

The Commission orders:

(A) The request made by New York State Electric & Gas Corporation that its application in Docket No. G-2000 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on April 23, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application and supplement thereto.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 30, 1953.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1231; Filed, Feb. 5, 1953; 8:47 a. m.]

[Docket No. G-2088]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 30, 1953.

On November 14, 1952, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to acquire and operate a natural-gas transmission pipeline owned by Clifford D. Mooers, sole owner of the Grandfield Gas Company, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard,

[1] Chairman Buchanan and Commissioner Draper dissenting.

protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 6, 1952 (17 F. R. 11130–11131).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction of the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on February 17, 1953, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: January 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1229; Filed, Feb. 5, 1953; 8:46 a. m.]

[Docket No. G–2114]

CITY OF COVINGTON, GEORGIA

NOTICE OF APPLICATION

JANUARY 30, 1953.

Take notice that the City of Covington, Georgia (Applicant), a municipal corporation organized and existing by virtue of the laws of the State of Georgia, filed, on January 22, 1953, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with Applicant's proposed natural gas distribution system and to sell natural gas to Applicant for local distribution in the community of Covington and in the area adjacent thereto.

Applicant's estimated peak day requirements for its proposed system during the 5th year is 1,462 Mcf. Its annual consumption during the first full year's operation is estimated at 124,770 Mcf, and at the end of the third full year it is estimated that the annual consumption will approximate 181,950 Mcf.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of February 1953.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1230; Filed, Feb. 5, 1953; 8:46 a. m.]

[Project No. 871]

CONSUELO M. LARRABEE

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

FEBRUARY 2, 1953.

Notice is hereby given that on November 24, 1952, the Federal Power Commission issued its order entered November 20, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1258; Filed, Feb. 5, 1953; 8:51 a. m.]

[Project No. 1185]

FRED BAHOVEC

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

FEBRUARY 2, 1953.

Notice is hereby given that on December 18, 1952, the Federal Power Commission issued its order entered December 16, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1259; Filed, Feb. 5, 1953; 8:51 a. m.]

[Project No. 1393]

PEND OREILLE MINES & METALS CO.

NOTICE OF ORDER ISSUING NEW LICENSE (MAJOR)

FEBRUARY 2, 1953.

Notice is hereby given that on December 3, 1952, the Federal Power Commission issued its order entered November 25, 1952, issuing new license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1260; Filed, Feb. 5, 1953; 8:51 a. m.]

[Project No. 1890]

MURRAY DALE WEAVER ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

FEBRUARY 2, 1953.

In the matter of Murray Dale Weaver and Lona Marie Weaver and Robert William Phipps, John Wesley Phipps, and Stanley Lubell; Project No. 1890.

Notice is hereby given that on December 12, 1952, the Federal Power Commission issued its order entered December 9, 1952, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1261; Filed, Feb. 5, 1953; 8:52 a. m.]

[Project No. 1992]

HAL T. HYLTON

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

FEBRUARY 2, 1953.

Notice is hereby given that on December 30, 1952, the Federal Power Commission issued its order entered December 22, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1262; Filed, Feb. 5, 1953; 8:52 a. m.]

[Project No. 2089]

BORDER COUNTIES POWER COOPERATIVE, INC.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

FEBRUARY 2, 1953.

Notice is hereby given that on December 3, 1952, the Federal Power Commission issued its order entered November 25, 1952, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1263; Filed, Feb. 5, 1953; 8:52 a. m.]

[Project No. 2098]

BLUE RIDGE ELECTRIC MEMBERSHIP CORP.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

FEBRUARY 2, 1953.

Notice is hereby given that on October 23, 1952, the Federal Power Commission issued its order entered October 21, 1952, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–1264; Filed, Feb. 5, 1953; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] PARTIALLY REVOKING EXECUTIVE ORDERS NO. 4719 OF SEPTEMBER 12, 1927, AND NO. 5352 OF MAY 23, 1930; RESERVING PORTION OF RELEASED LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior,

[1] See Title 43, Chapter I, Appendix, PLO 882, *supra.*

Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 2, 1953.

[F. R. Doc. 53-1247; Filed, Feb. 5, 1953; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

ADMINISTRATOR, FEDERAL SECURITY AGENCY

DELEGATION OF AUTHORITY WITH RESPECT TO PROCESSING AND DISTRIBUTION OF MOTION PICTURES AND FILM STRIPS

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949, as amended, authority is hereby delegated to the Administrator, Federal Security Agency, to act as contracting officer on Contract No. GS-038-8435, covering the period January 1, 1953, through December 31, 1953, and in such capacity to make all decisions necessary under the terms of said contract.

2. Appeals from decisions of said contracting officer shall be taken to the Administrator of General Services.

3. Amendments to said contract shall be made only with the approval of the Administrator of General Services or his authorized representative.

4. This authority may be redelegated to any official or employee of the Federal Security Agency, and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

5. This delegation of authority shall be effective as of January 1, 1953.

Dated: February 3, 1953.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 53-1310; Filed, Feb. 5, 1953; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

DELEGATION OF AUTHORITY AND ASSIGNMENT OF DUTIES

Sections 11, 12, 13 and 14 are hereby amended to read as follows:

SEC. 11. *Citation of authority.* Section 1 of Title I of the National Housing Act provides in part as follows:

* * * In order to carry out the provisions of this title and titles II, III, VI, VII, VIII and IX, the Commissioner may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Commissioner may delegate any of the functions and powers conferred upon him under this title and titles II, III, VI, VII, VIII and IX to such officers, agents, and employees as he may designate or appoint * * *.

Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

Federal Housing Administration. The Federal Housing Administration shall be headed by a Federal Housing Commissioner * * *. There are transferred to said Commissioner the functions of the Federal Housing Administration.

SEC. 12. *Designation of Acting Commissioner.* Pursuant to the authority cited in section 11 above, I hereby designate the officials of the Federal Housing Administration named below in this section to act in my place and stead with the title of "Acting Commissioner" with all of the powers, duties and rights conferred upon me by the National Housing Act, as amended, Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive Order, in the event of my absence, illness or inability to act, provided that no official named below shall have authority to act as "Acting Commissioner" unless all those whose names appear before his are absent from their official post or unable to act:

1. Burton C. Bovard, General Counsel.
2. Hugh Askew, Assistant Commissioner, Field Operations.
3. Curt C. Mack, Assistant Commissioner, Underwriting.
4. Clyde L. Powell, Assistant Commissioner, Rental Housing.
5. Ward Cox, Assistant Commisisoner, Cooperative Housing.
6. Arthur J. Frentz, Assistant Commissioner, Title I.
7. Edgar C. McIntosh, Assistant to the Commissioner.

SEC. 13. *Specific delegations to named positions.* Pursuant to the authority cited in section 11 above, the following assignment of duties and delegations of functions and powers are hereby made:

(A) To the position of Assistant Commissioner, Field Operations, and (except with respect to the authority contained in subdivisions 9 and 10 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Field Operations:

1. To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions, or approved lenders.

2. To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

3. To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

4. To consent to the release of mortgagors.

5. To consent to the release of portions of the mortgaged property from the lien of the mortgage.

6. To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

7. To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

8. To execute assignments, releases or satisfactions of mortgages taken by the Commissioner as security in connection with the sale of acquired properties.

9. In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

10. To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

11. To direct the administration of Field Offices and to initiate and recommend to the Commissioner policies and procedures with respect thereto.

12. To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with new home loans under regulations issued pursuant to Title I of the National Housing Act.

13. To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I that require the prior approval of the Federal Housing Commissioner.

14. To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

15. With respect to section 609, to issue commitments for insurance and to execute insurance contracts pursuant to such commitments; to approve changes in amount, changes in term, or any other modifications of commitments for insurance or of insurance contracts; to consent to the release of part or parts of property delivered as security for insured loans; to exercise the authority of the Commissioner under the Administrative Rules and Regulations under section 609 in any instance requiring the approval of the Commissioner; to execute in my name proofs of claim against bankrupt, insolvent or decedent estates; and to exercise the power and authority vested in the Commissioner under section 609 (g) of Title VI of the act.

16. To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner in connection with the insurance of mortgages under all sections of the act covering one-to-four family dwellings and the insurance of mortgages

under section 603 pursuant to section 610.

17. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(B) To the position of Assistant Commissioner, Underwriting, and (except with respect to the authority contained in subdivisions 3 and 4 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Underwriting:

1. To be responsible to the Commissioner for the underwriting aspects of all mortgage insurance programs, including valuation of realty, land planning, architecture and credit analyses, analyses of locations, subdivisions and areas and construction cost determination.

2. To plan, supervise, instruct in and review the work of the technical programs and procedures, including: the establishment of eligibility requirements as to property standards, minimum construction requirements and new methods of dwelling construction for projects insured by the Federal Housing Administration; cooperation with industry and governmental agencies in the development of engineering methods, materials, mechanical equipment and architectural planning and design. Dissemination to the field offices and to the public of technical material on planning and construction; preparation of estimates and other studies on the use of materials.

3. To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

4. In connection with the sale of properties conveyed to the Commissioner to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments, or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith.

5. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(C) To the position of Assistant Commissioner, Rental Housing, and (except with respect to the authority contained in subdivisions 7 and 8 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Rental Housing:

1. To issue commitments for insurance and to execute insurance contracts under sections 207, 608, Title VII, Title VIII, and section 908, and any agreements or instruments required in connection therewith.

2. To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts under sections 207, 210, 608, Title VII, Title VIII, and section 908.

3. To approve or disapprove "change orders" during construction under sections 207, 608, Title VII, Title VIII, and section 908.

4. To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

5. To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage, with respect to mortgages insured under sections 207, 210, 608, Title VII, Title VIII, and section 908.

6. To approve or disapprove for insurance advances of mortgage money during construction under sections 207, 608, Title VII, Title VIII, and section 908, and to execute such instruments as may be necessary in connection therewith.

7. In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

8. To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

9. To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

10. To approve the insurance of mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner in connection with the insurance of mortgages under sections 207 and 608, Titles VII and VIII, and section 908, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

11. To approve the modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures under sections 207 and 608, Titles VII and VIII, and section 908.

12. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(D) To the position of Assistant Commissioner, Cooperative Housing and (except as to the authority contained in paragraphs 7 and 8 hereunder) under his general supervision to the position of Deputy Assistant Commissioner, Cooperative Housing, with respect to the insurance of mortgages under section 213 of the National Housing Act:

1. To issue commitments for insurance and to execute insurance contracts and any agreements or instruments required in connection therewith.

2. To approve the increase in amount, the extension of term, or any other modification of commitments for insurance or of insurance contracts.

3. To approve or disapprove "change orders" during construction.

4. To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

5. To consent to the release of mortgagors and to the release of portions of the mortgaged property from the lien of the mortgage.

6. To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

7. In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto, and deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

8. To execute the power and authority vested in the Commissioner under section IV of the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

9. To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

10. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

11. To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner with respect to the insurance of mortgages covering project mortgages insured under section 213, including the authority to determine the value of such properties and the facts relating to the eligibility of such mortgages for insurance.

12. To approve the modification in the terms of, and authorize the foreclosure of, mortgages assigned to the Federal Housing Commissioner in exchange for debentures.

(E) To the position of Assistant Commissioner, Title I, and (except as specified in subdivisions 4 and 5 hereunder) under his general supervision to the Deputy Assistant Commissioner, Title I, with respect to the insurance of loans or advances of credit made under section 2 of Title I of the National Housing Act:

1. To approve or cancel the approval of financial institutions as approved mortgagees, insured institutions or approved lenders.

2. To issue and cancel Contracts of Insurance under Title I and to transfer such contracts and the rights and benefits accruing thereunder between lending institutions.

3. To exercise the authority of the Commissioner under the Regulations governing Title I loans in any instance which is subject to the approval of the Commissioner.

4. To execute the power and authority vested in the Commissioner under the Regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury, except that the authority to execute the power and authority under section IV of such regula-

tions may be exercised only by the Assistant Commissioner, Title I.

5. In connection with the sale of properties conveyed to the Commissioner, to execute in my official name, as my agent, all deeds or other documents or instruments in connection with the conveyance of title thereto and deeds of release, assignments or satisfactions of mortgages, deeds of trust, or other liens taken as security in connection therewith. The authority in this subdivision may be exercised only by the Assistant Commissioner, Title I.

6. To reject or accept for insurance loans or advances of credit made under the provisions of Title I, that require the prior approval of the Federal Housing Commissioner. To execute in my name such documents as are necessary to transfer title in and to any debt, contract, claim, property or security. To execute in my name proofs of claim against bankrupt, insolvent or decedent estates and to execute releases of obligations to the Federal Housing Administration, including but not limited to notes, judgments, and other evidences of indebtedness, and to release liens of any kind held as security for such obligations, in those cases where the obligor has paid the full amount due thereon to the Federal Housing Administration.

7. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(F) To the position of General Counsel and under his general supervision, to the Associate General Counsel:

1. On behalf of the Commissioner to receive and accept service of all summons, subpoenas, and other court process directed to the Commissioner.

2. To sign, acknowledge and verify on behalf of and in the name of the Federal Housing Commissioner, all declarations, bills, pleas, answers, and all other pleadings in any court proceedings which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

3. To advise and consult with the Commissioner and with heads of the several divisions concerning the legal aspects of the policies of the Federal Housing Administration.

4. To interpret the provisions of the National Housing Act and of the rules and regulations promulgated thereunder; revise the rules and regulations.

5. To collaborate with the General Counsel of the Housing and Home Finance Agency in connection with legislation before Congress pertaining to the Federal Housing Administration program, recommending changes by way of amendments.

6. To administer all matters pertaining to the preparation of legal forms necessary to the work of the Administration; the submission of cases to the Attorney General for legal action; investigation of fraud; or violations of the National Housing Act; and the determination of acceptability of title.

7. To certify that official long-distance telephone calls made were necessary in the interest of the Government pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(G) To the position of Regional Director and to each of them, and under their supervision to their respective Assistant Regional Directors, Field Office Directors, Field Office Assistant Directors, and Field Office Executive Assistants:

1. To issue commitments for insurance and to execute insurance contracts pursuant to such commitments.

2. To approve a change in amount, a change of the term, or any other modification of commitments for insurance or of insurance contracts.

3. To consent to the release of mortgagors.

4. To consent to the release of portions of the mortgaged property from the lien of the mortgage.

5. To approve or disapprove for insurance advances of mortgage money during construction, and to execute such instruments as may be necessary in connection therewith.

6. To approve or disapprove "change orders" during construction.

7. To issue Property Eligibility Statements or Commitments or any similar forms which may be provided in connection with new home loans under Regulations issued pursuant to Title I of the National Housing Act.

8. In connection with new home loans under the Regulations issued pursuant to section 2 of Title I of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of a conveyance to the Commissioner.

9. To reject or accept for insurance loans or advances of credit made under the provisions of Title I that may require the prior approval of the Federal Housing Commissioner.

10. To approve the insurance of mortgages taken as security in connection with the sale of all properties conveyed to the Federal Housing Commissioner, including the authority to determine the value of such properties and facts relating to the eligibility of such mortgages for insurance.

11. To execute applications or other documents in connection with any functions which the Federal Housing Administration may perform for any other agency or agencies of the United States.

12. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

13. In connection with the sale of Commissioner-owned property, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagors under a mortgage held by the Commissioner.

14. To execute contracts for the sale of any properties conveyed to the Federal Housing Commissioner, except properties acquired under sections 207, 213, 608, Title VII, Title VIII, and section 908, or sales of five or more properties as a group.

15. To execute any regulatory agreements required by the Administrative Rules under sections 207, 213, 608, Title VII, Title VIII, and agreements with respect to certification of costs required by the Administrative Rules under section 908.

16. To execute contracts for supplies and services in accordance with the provisions of the Field Operating Manual or as approved by the Director, Property Management, either specifically or as a part of an acquired property management program.

(H) To the position of Comptroller and under his general supervision to the position of Deputy Comptroller:

1. To requisition the advance of funds.

2. To approve all expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act.

3. To endorse checks for deposit or collection.

4. To certify financial statements.

5. To certify the findings of the Compliance Committee in regard to the waiver of the Regulations under the provisions of section 2 (c) of the National Housing Act, as amended.

6. To certify as to delegations of authority by the Commissioner and as to the truth or accuracy of copies of original papers or documents in the possession of the Administration.

7. To devise accounting procedures and to administer the fiscal policies of the Administration.

8. To execute vouchers or applications and receipt for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired under the provisions of the National Housing Act.

9. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

10. To designate certifying officers and to revoke such designations, to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, pursuant to Public Law 389, approved December 29, 1941, and the standards and procedures of the Secretary of the Treasury thereunder.

11. To execute Certificates of Claim and requisitions to the Treasury Department for the issuance of debentures.

(I) To the position of Director of Research and Statistics, and under his general supervision to the position of Deputy Director of Research and Statistics:

1. To advise the Commissioner on the economic aspects of mortgage insurance activities. Plan and administer the activities of the Research and Statistics Division. Consult with the representatives of other divisions and other agencies on problems of housing and economic research.

2. To initiate, and to undertake on request of other officers, actuarial studies regarding insurance operations under the act, including, in collaboration with the Comptroller, studies of the distribution of expenses and income; and to prepare studies of the adequacy of premiums and reserves and such other mat-

ters as are required by the Commissioner for the formulation of sound actuarial policy.

3. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(J) To the position of Director of Personnel, and under his general supervision to the position of Deputy Director of Personnel:

1. To be responsible for the development, establishment and operation of a personnel program.

2. To make appointments and to remove or separate personnel; to fix the administrative work week; to approve overtime work and to prescribe rules and regulations regarding overtime.

3. To act as the representative of the Federal Housing Administration on the Federal Council of Personnel Administration, with the Civil Service Commission, and all Government agencies and other organizations with respect to personnel matters.

4. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(K) To the position of Director of the Budget Division; and under his general supervision to the position of Deputy Director of the Budget Division:

1. To be responsible to the Commissioner for all budget activities and to act as the Commissioner's representative in all budget matters in meetings held by the Bureau of the Budget or other agencies.

2. To be responsible for the development and execution of the budget program, including the preparation of budget estimates and justification therefor; the preparation of requests for apportionment of funds and justification therefor; and the allotment of funds within the limits of appropriation acts, apportionments and other limitations.

3. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(L) To the position of Director, Administrative Services, and under his general supervision to the position of Deputy Director, Administrative Services:

1. To approve telephone contracts.

2. To execute leases of property for Federal Housing Administration use.

3. To issue orders for travel in accordance with the Standardized Government Travel Regulations, as amended, and applicable law, including authorization for travel by extra fare train and plane, and for travel incident to permanent change of station, to approve travel performed and expense incurred on account of an emergency or without prior authority in accordance with the Standardized Government Travel Regulations, as amended, and to approve and authorize the transportation of household goods and personal effects at Government expense in accordance with applicable Executive Orders and amendments thereto, and provisions of law.

4. To issue purchase orders, including printing and binding requisitions to the Government Printing Office.

5. To incur obligations and authorize expenditures for services and for the purchase of equipment, materials, and supplies other than in connection with acquired properties.

6. To approve all agreements involving reimbursements, including agreements with others for the performance of any function by or on behalf of the Federal Housing Administration, after first obtaining the recommendation of any division affected.

7. To issue orders for publications of notices and advertisements in newspapers, magazines, and periodicals. (See sec. 3828, Rev. Stat.)

8. To execute contracts for services and for the purchase of equipment, materials, and supplies, including contracts for materials, equipment, supplies, and services, for the maintenance and operation of acquired properties.

9. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

10. To be responsible for the arrangement, format and general presentation of all forms and publications of the Administration.

11. To be responsible for the operation and maintenance of the duplicating service of the Administration, including the maintenance of the duplicating and binding service, mechanical addressing and mailing service and photographic laboratory.

12. To be responsible for the maintenance of a perpetual inventory of forms, costs records, and stockroom for materials necessary and incidental to the above responsibilities.

13. To be responsible for the radio spot announcement program and other radio material and to coordinate and supervise the FHA Home Show and exhibit program.

14. To perform the necessary functions and responsibilities in connection with the disposal of property of the Administration (other than property acquired under insurance contracts) as provided in applicable statutes and Regulations issued pursuant thereto.

15. To make final determinations of responsibility, including the fixing of or relief from personal liability, for any disposition of lost, stolen, damaged or destroyed property, except that if the original cost of any such property exceeded $100, the recommendations and findings of a committee or board established by the Commissioner shall be obtained.

(M) To the position of Auditor and under his general supervision, to the position of Deputy Auditor:

1. To be responsible for a continuing audit of the fiscal accounts of the Administration, including the fiscal accounts of the Field Offices, and the accounts of approved Mortgagees not under governmental supervision to determine compliance with the supervision requirements of the Administrative Rules.

2. To conduct audits of rental housing corporations and Title VII investors, on-site examination of fiscal records and accounts of such corporations and investors, on-site audits of the accounts and records of rental brokers and on-site examinations of such accounts and records to effect compliance with the fiscal and administrative requirements of the Administration.

3. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

(N) To the position of Director, Property Management, and under his general supervision to the position of Deputy Director, Property Management:

1. To operate and manage all properties conveyed to the Federal Housing Commissioner in accordance with general policies promulgated by the Property Sales Committee and approved by the Commissioner, including authority with respect to such property to:

(a) Approve all offers to rent or purchase, except that offers to purchase properties acquired under sections 207, 213 (Project Mortgages), 608, Title VII, Title VIII, and section 908, or offers to purchase a group of five or more properties acquired under other sections of the Act, shall be subject to the approval of the Commissioner and shall be accompanied by the recommendations of the Property Sales Committee;

(b) Make repairs, alterations and improvements;

(c) Execute such contracts, leases, assignments and instruments as may be necessary in the rental or sale of such properties other than deeds or other documents in connection with the conveyance of title, deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith;

(d) Authorize expenditures.

2. To handle and dispose of claims of the mortgagee against the mortgagor or others, arising out of mortgage transactions and assigned to the Commissioner in connection with the insurance of mortgages covering one-to-four-family dwellings, and the insurance of mortgages under section 603 pursuant to section 610.

3. To certify that official long-distance telephone calls made were necessary in the interest of the Government, pursuant to section 4 of the act approved May 10, 1939 (53 Stat. 738).

SEC. 14. *Delegations to Committees.* Pursuant to the authority cited in section 11 above, the following assignments of duties and delegations of functions and powers are hereby made:

(A) To a Committee to be known as the "Executive Board," consisting of the Commissioner as Chairman; the Deputy Commissioner as Vice-Chairman; Assistant to the Commissioner; the Assistant Commissioner, Field Operations; the Assistant Commissioner, Rental Housing; the Assistant Commissioner, Underwriting; the Assistant Commissioner, Title I; the Assistant Commissioner Cooperative Housing; the Director, Administrative Services; the General Counsel; the Comptroller; the Director of the Budget Division; the Director of Person-

nel; the Director of Research and Statistics; the Director, Property Management; the Auditor; the Administrative Officer (Minority Group Housing); and the Regional Directors:

1. To consider and discuss matters of general policy and to advise the Commissioner with respect to matters affecting the activities of the various divisions of the Administration.

The Executive Board or any part thereof shall meet upon call by the Chairman or Vice-Chairman, who will designate and excuse from attendance any member having no direct interest in the matters to be discussed at the meeting.

In the absence of the Chairman, the Vice-Chairman shall preside and in the absence of any member designated by the Chairman or Vice-Chairman as being interested in the matters to be discussed, the principal assistant of such absent member shall attend the meeting and serve in the place of such member.

(B) To a Committee to be known as the "Property Sales Committee," consisting of the Assistant Commissioner, Rental Housing, Chairman; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; Assistant Commissioner, Cooperative Housing; the Director, Property Management; the General Counsel; and the Regional Director having jurisdiction:

1. To consider and recommend to the Commissioner the approval or disapproval of any offer to purchase a property or mortgage acquired by the Commissioner under the provisions of sections 207, 213 (Project Mortgages) and 608, Titles VII and VIII, and section 908, and the sale and terms of sale of mortgages taken as security in connection with the sale of properties acquired under any such sections and titles, and any offer to purchase a group of five or more properties acquired by the Commissioner in connection with any other section of the act; and to recommend to the Commissioner general policies to govern the sales and rentals of properties acquired by the Commissioner, and the sale and terms of sale of mortgages taken as security in connection with the sale of properties acquired by the Commissioner in connection with the insurance of mortgages covering one- to four-family dwellings and the insurance of mortgages under section 603 pursuant to section 610, and the handling and disposition of claims assigned to the Commissioner with respect thereto. A quorum shall consist of four members, one of which shall be the Legal Division representative. In the absence of any member, an alternate shall not be designated to attend except upon request of the Chairman.

(C) To a Committee to be known as the "Property Management Expenditures Committee," consisting of the following: the Director, Property Management, Chairman; the Assistant Commissioner, Rental Housing; Assistant Commissioner, Field Operations; Assistant Commissioner, Cooperative Housing; General Counsel; the Director, Administrative Services; Comptroller; and the Regional Director having jurisdiction:

1. To consider and determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, VI, VII, VIII and IX as such term is used in section 1 of the National Housing Act, whenever such a determination is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure. A quorum shall consist of five members, one of which shall be the Legal Division representative. Minutes of each meeting which include a determination by the Committee shall be forwarded to the Commissioner prior to action being concluded in connection with such determination. In the absence of any member, the principal assistant of such absent member shall attend meetings and serve in place of such member. In the absence of the Chairman, the members of the Committee shall choose a temporary Chairman.

(D) To a Committee to be known as the "Compliance Committee," consisting of the Assistant Commissioner, Title I; the General Counsel or his designee; the Director, Administrative Services; the Assistant Commissioner, Field Operations; and the Comptroller; any three of which shall constitute a quorum:

1. To waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 and section 6 of Title I, if in the judgment of the Committee the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation of the Commissioner beyond the obligation which would have been involved if the regulations had been fully complied with. In the absence of any member, the principal assistant of such absent member shall attend meetings and serve in place of such member.

(E) To a Committee to be known as the "Finance Committee," consisting of the Deputy Commissioner, Chairman; General Counsel; Assistant Commissioner, Field Operations; Assistant Commissioner, Underwriting; Assistant Commissioner, Rental Housing; Assistant Commissioner, Cooperative Housing; Assistant Commissioner, Title I; Auditor; Actuary; Comptroller; and the Director of Research and Statistics:

1. To study all Federal Housing Administration fiscal matters and prepare recommendations to the Commissioner. Reports of these studies which include recommendations to the Commissioner on fiscal matters shall be prepared and signed by the Chairman of the Committee. Meetings shall be held upon call of the Chairman. In the absence of any member of the Committee an alternate shall not be designated to attend except upon request of the Chairman.

(F) To a Committee to be known as the "Actuarial Advisory Committee," consisting of the Actuary (Chairman); Comptroller; and the Director of Research and Statistics:

1. To prepare recommendations to the Commissioner with respect to actuarial policy and to initiate basic actuarial studies on the operations of the various insurance funds. Reports on these studies which include recommendations to the Commissioner on actuarial policy shall be approved and signed by the appointed members of the Committee. Meetings shall be held upon call by the Chairman, but not less often than bimonthly. In the absence of any member of the Committee an alternate designated by the member shall attend and participate in the work of the Committee.

(G) To a Committee to be known as the "Personnel Ceiling Committee," consisting of the Director of Personnel, Chairman; the Director of the Budget Division; and the Assistant to the Commissioner:

1. To establish a personnel ceiling for each division in the Administration, and to review such ceilings each quarter immediately after receiving the agency personnel ceilings established by the Bureau of the Budget. In the absence of any member of the Committee, an alternate designated by the member shall attend and participate in the work of the Committee.

(H) To a Committee to be known as the "Survey Committee," consisting of the Director, Budget Division, or his designee, Chairman; the Comptroller, or his designee; and the Auditor, or his designee:

1. To review the findings of the Director of Administrative Services as to the disposal of property of the Administration in any instance where under applicable statutes and regulations issued pursuant thereto the approval of a reviewing authority is required.

2. To review the circumstances regarding lost, damaged, stolen and destroyed property where the original cost of any specific item of such property exceeded $100 and to advise the Director of Administrative Services as to the recommended disposal of such property and to recommend the fixing of or relief from personal liability based upon its findings in each case.

(I) To a Committee to be known as the "Field Operations Committee," consisting of the Assistant Commissioner, Field Operations, Chairman; the Deputy Assistant Commissioner; and the Regional Directors; for the purpose of supplementing the over-all supervisory responsibilities of the Assistant Commissioner, Field Operations, and the direct supervisory responsibilities of the respective Regional Directors:

1. To consider and discuss all matters concerning the operations of Field Offices in the interest of maintaining a consistent and uniform application of Administrative procedures and instructions throughout all Field Offices; and to conduct a continuing study of procedures and instructions governing the operations of Field Offices for the purpose of recommending revisions and amend-

ments in such existing procedures and instructions as well as the formulation of additional instructions and procedures with respect to new programs.

2. In the absence of any member, the principal assistant of such absent member shall attend meetings and serve in the place of such member. In the absence of the Chairman, the Deputy Assistant Commissioner, Field Operations, shall serve as Chairman.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

JANUARY 29, 1953.

[F. R. Doc. 53-1228; Filed, Feb. 5, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-133]

CENTRAL PUBLIC UTILITY CORP.

ORDER DECLARING THAT CONSOLIDATED ELECTRIC AND GAS COMPANY HAS CEASED TO BE A HOLDING COMPANY

FEBRUARY 2, 1953.

Central Public Utility Corporation ("CENPUC"), a registered holding company, has filed an application pursuant to section 5 (d) of the act seeking entry of an order declaring that its former subsidiary, Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, has ceased to be a holding company.

By order dated June 13, 1952, the Commission, pursuant to Section 11 (e) of the act, approved a plan of CENPUC for compliance with section 11 (b) of the act which provided, interalia, for the merger of Consolidated into CENPUC. Said plan was ordered enforced by the United States District Court for the District of Delaware on July 29, 1952, and on September 4, 1952, the merger of said companies became effective. CENPUC has acquired all of the assets of Consolidated and assumed all of its liabilities, and the corporate existence of Consolidated has been terminated.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that Consolidated has ceased to be a holding company:

It is hereby ordered and declared, Pursuant to section 5 (d) of the act, that Consolidated has ceased to be a holding company, subject to the condition that jurisdiction be, and hereby is, reserved with respect to the reasonableness of all fees and expenses or other remunerations paid or to be paid in connection with the application herein.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1232; Filed, Feb. 5, 1953; 8:48 a. m.]

[File No. 54-208]

CENTRAL PUBLIC UTILITY CORP.

ORDER APPROVING PLAN FOR LIQUIDATION AND DISSOLUTION OF INACTIVE SUBSIDIARY

FEBRUARY 2, 1953.

Central Public Utility Corporation ("CENPUC"), a registered holding company, has filed an application pursuant to section 11 (e) of the act for approval of a plan for the liquidation and dissolution of its wholly owned subsidiary Central Securities Transfer Company ("Securities"), an inactive company.

Securities was formerly engaged in the business of transferring and registering securities, principally those of companies in the CENPUC holding company system. On June 13, 1952, the Commission entered its order pursuant to section 11 (b) (2) of the act directing, among other things, that CENPUC "take appropriate steps to terminate the existence of * * * Securities," It appearing that Securities was not engaged in any business and that the management did not intend to reactivate the company. The instant plan proposes that the dissolution of Securities will be effectuated pursuant to the laws of the State of Illinois and upon the filing of a certificate of dissolution pursuant to such laws, CENPUC will receive all the assets of Securities consisting of $566 in cash, as of November 30, 1952, and assume all of its liabilities to creditors to the extent of the assets so transferred, as of the same date such liabilities, consisting solely of accounts payable, amounted to $137. CENPUC will pay such fees and expenses incurred in connection with said plan as may be approved by the Commission.

Due notice having been given of the filing of the said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that said plan is necessary within the meaning of section 11 (e) of the act and fair and equitable to the persons affected thereby:

It is ordered, Pursuant to section 11 (e) of the act, that the plan for the liquidation and dissolution of Securities, be and the same hereby is, approved, effective forthwith, subject to the condition that jurisdiction be, and hereby is, reserved with respect to the reasonableness of all fees and expenses or other remuneration paid or to be paid in connection with the plan and the transactions incident thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1233; Filed, Feb. 5, 1953; 8:48 a. m.]

[File No. 54-209]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON PLAN

FEBRUARY 2, 1953.

Notice is hereby given that an application has been filed by Standard Power and Light Corporation ("Standard Power"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act, seeking approval of a plan for the retirement on a voluntary basis of its sole issue of preferred stock in partial compliance with section 11 of the act. All interested persons are referred to said plan, which is on file in the offices of the Commission, for a statement of the transactions therein proposed, which are summarized hereinafter.

On June 19, 1942, pursuant to section 11 (b) (2) of the act, the Commission ordered Standard Power to liquidate and dissolve. The instant plan to retire its preferred stock is presented as a part of Standard Power's program for compliance with the standards of section 11 (b), of the act. In connection therewith, Standard Power states that it intends, at the earliest practicable opportunity, to request the Commission to modify the aforesaid dissolution order of June 19, 1942, so as to permit Standard Power to remain in existence as an investment company under the Investment Company Act of 1940.

Standard Power's outstanding securities, as of December 31, 1952, consisted of three classes of capital stock, as follows:

	Shares
$7 Cumulative Preferred Stock ("preferred stock") (no par value, stated value of $25 per share)	34,054
Common Stock ($1 par value)	1,320,000
Common Stock, Series B (no par value)	[1] 110,000

[1] For rights reserved with respect to 330,000 shares of Common Stock, Series B, surrendered and cancelled, see below.

The preferred stock has a preference in liquidation of $100 per share plus accrued and unpaid dividends, and is callable at $110 per share plus accrued and unpaid dividends. As of December 31, 1952, accrued and unpaid dividends on the preferred stock amounted to $102.31 per share ($3,484,064.74 in the aggregate). Thus, the total liquidating preference of the preferred stock at that date amounted to $202.31 per share ($6,889,464.74 in the aggregate) and the total call price amounted to $212.31 per share ($7,230,004.74 in the aggregate).

H. M. Byllesby and Company formerly owned 330,000 shares of Standard Power's Common Stock, Series B, but in 1940 surrendered such shares for cancellation pursuant to an agreement dated June 28, 1940, under which it reserved the right to receive, upon the distribution of the assets of Standard Power, the proportionate share of the assets on a parity with the holders of the Common Stock and Common Stock, Series B, in an amount which would have been the distributive share of 330,000 shares of said Common Stock, Series B, if the certificates therefor had not been surrendered.

Standard Power's principal asset is 1,160,000 shares or 53.64 percent of the outstanding common stock of Standard Gas and Electric Company ("Standard Gas"), also a registered holding company. The principal asset of Standard Gas is 5,030,690 shares or 96.9 percent of the 5,190,852 11/12 outstanding shares of common stock of Philadelphia Company

("Philadelphia"), also a registered holding company. Philadelphia's principal asset, in turn, is 4,711,829 or 78.5 percent of the 6,000,000 outstanding shares of common stock of Duquesne Light Company ("Duquesne"), a public utility company. Standard Gas and Philadelphia also have been ordered by the Commission, pursuant to section 11 (b) (2) of the act, to liquidate and dissolve, and they are now in the process of liquidation. Under Step I and Step I–A of a plan for the liquidation of Standard Gas, approved by the Commission on October 1, 1952, (Holding Company Act Release No. 11510) and consummated on December 1, 1952, Standard Power received from Standard Gas, in exchange for the surrender by Standard Power of certain senior securities of Standard Gas, 116,770 shares of common stock of Duquesne, 191,962 shares of common stock of Wisconsin Public Service Corporation ("Wisconsin"), a public utility company, and 118,444 shares of common stock of Oklahoma Gas and Electric Company, also a public utility company.

Standard Power proposes to offer in exchange for each share of its preferred stock, 3 shares of Duquesne common stock, 5 shares of Wisconsin common stock and cash in an amount equivalent to the difference between $212.31, plus dividends accrued from December 31, 1952, to the last date for acceptance of the exchange offer less dividends paid during such period, and the aggregate of the market values of the Duquesne and Wisconsin common stocks offered. For the purpose of such offer, the market values of the common stocks offered shall be the average of the closing prices of those stocks on the New York Stock Exchange for the five days immediately succeeding the last date fixed for the acceptance of the offer: *Provided,* That those stocks are listed on such exchange during that five-day period. In the event the stocks are not so listed, the market values shall be the averages of all bid and asked prices for those days appearing in the National Daily Quotation Service.

Standard Power states that if the exchange offer is accepted by two-thirds or more of the preferred stock, the stock of those stockholders who do not accept will be retired for cash by call, pursuant to the company's charter, after the final date for acceptance of the offer on thirty days notice at the next subsequent call date. If the offer is accepted by less than two-thirds of the preferred stock, the stock of those who do not accept will be retired at the election of the company by cash at call price, or under a compulsory plan by exchange of portfolio stocks or stocks and cash at the equivalent of call price, as soon as such call or compulsory plan proves practicable.

It is also stated that the purpose of the plan is to distribute as many as, and no more than, an aggregate of 102,162 shares of Duquesne common stock and 170,270 shares of Wisconsin common stock, the respective numbers of such shares required if the offer is accepted by the holders of 100 percent of the preferred stock. To this end, to the extent that the exchange offer is accepted by the holders of less than 100 percent of the preferred stock, the cash payment will be reduced and shares of Wisconsin and Duquesne common stocks will be substituted therefor. In this connection, no fractional shares of such common stocks will be distributed but in lieu thereof cash will be substituted in an amount equal to the market values (computed as hereinbefore described) of the fractions to which the holders of the preferred stock otherwise would be entitled.

Standard Power proposes to make the exchange offer upon receipt of the Commission's order approving the plan without requesting the Commission to apply for court enforcement thereof. Within ten days of the issuance of the Commission's order approving the plan Standard Power proposes to mail the exchange offer to each holder of preferred stock, which offer will specify that the last date for acceptance thereof will be fifteen days from the date of mailing of the offer.

In order to provide the cash payments which may be required to effectuate the exchange offer and, in the event of acceptance by the holders of two-thirds or more of the preferred stock, the proposed subsequent call of the remaining shares, Standard Power proposes to incur a one year bank loan of up to but not more than $2,500,000. The actual amount of the bank loan will be limited to the amount necessary to meet the cash requirements of the plan after utilization of the proceeds of the sale of United States Government and other bonds in Standard Power's portfolio, having an aggregate principal amount of $118,000, and the sale to Standard Gas of 9,750 shares of Philadelphia common stock for $234,000. (See Holding Company Act Release No. 11683.)

Consummation of the plan is conditioned upon the Commission's order containing appropriate tax recitals and the receipt of satisfactory tax rulings. Standard Power reserves the right to withdraw the plan at any time prior to the last date for receiving acceptances, in the event of unusual conditions adversely affecting stock market prices at or prior to that date.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held with respect to the plan to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing that the record heretofore made in the proceedings upon the aforementioned Standard Gas plan contains evidence that may have a bearing upon the issues presented by the instant plan, and that a substantial saving of time and expense will result if the evidence adduced in said proceedings is used in connection with the consideration of the instant proceedings:

It is ordered, That the record in the proceedings on the Standard Gas plan (File No. 54–191) is hereby incorporated into the record of the instant proceeding; subject, however, and without prejudice to the Commission's right, upon its own motion or the motion of any interested participant, to strike such portion of the record in respect to said prior proceedings as may be deemed incompetent or irrelevant to the issues raised in the instant proceeding.

It is further ordered, That a public hearing on the plan be held at 11:00 a. m. on the 25th day of February, 1953, at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event that amendments or supplements are filed during the course of the proceedings, no notice of such amendments or supplements will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of such amendments or supplements should request such notice of Standard Power. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before February 20, 1953, his written request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the plan and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the plan, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act;

2. Whether the plan, as submitted or as it may hereafter be modified, is fair and equitable to the persons affected thereby;

3. Whether the incurring of a bank loan by Standard Power is necessary to effectuate the provisions of section 11 (b) of the act, in the light of the Commission's order of June 19, 1942, requiring the dissolution of Standard Power, and whether such loan would meet the applicable standards of the act, including section 7 thereof;

4. Generally, whether the transactions proposed in the plan are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder;

5. Whether the fees, expenses or other remuneration which may be claimed or paid in connection with the plan and the transactions incident thereto are for necessary services and are reasonable in amount; and whether the plan should be modified to include provision for the payment of such fees and expenses in connection with said plan as the Commission may determine, award, allow, or allocate;

6. Whether the accounting treatment to be accorded the proposed transactions is proper and in conformity with sound accounting principles and the Commission's Uniform System of Accounts for Public Utility Holding Companies;

7. Whether the plan, as submitted or as it may be modified, or a plan or plans proposed by the Commission or by any person having a bona fide interest in the proceeding, should be approved by the Commission for the purposes of section 11 (d) of the act, and, if proposed by the Commission or by a person having a bona fide interest, what the terms and provisions of such plan or plans should be;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Standard Power; Standard Gas; Philadelphia; Duquesne; Wisconsin; Oklahoma Gas and Electric Company; Marvin M. Notkins, Esq.; Edmond M. Hanrahan, Esq.; John P. Ryan, Esq.; I. T. Flatto, Esq.; Lewis Schimberg, Esq.; the Pennsylvania Public Utility Commission; the Public Service Commission of Wisconsin; the Corporation Commission of the State of Oklahoma; the Federal Power Commission; the City of Pittsburgh, Pennsylvania; the City of Milwaukee, Wisconsin; and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard Power shall give further notice of said hearing to the holders of its preferred stock and Common Stock (insofar as the identity of such security holders is known or available to them) by mailing to each of said persons a copy of this notice and order for hearing, to his last known address, at least 15 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1234; Filed, Feb. 5, 1953; 8:48 a. m.]

[File Nos. 59-49, 54-53, 30-135]

CHRISTOPHER H. COUGHLIN ET AL.

NOTICE OF FILING FOR ORDER THAT APPLICANTS HAVE CEASED TO BE A HOLDING COMPANY AND FOR OTHER RELIEF

FEBRUARY 2, 1953.

In the matter of Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation; File Nos. 59-49, 54-53, 30-135.

Notice is hereby given that Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, Voting Trustees under a Voting Trust Agreement, dated as of August 1, 1932, relating to the formerly outstanding common stock of Central Public Utility Corporation ("Central Public"), a registered holding company, have filed separate applications under the provisions of the Public Utility Holding Company Act of 1935, concerning the matters described below:

The applicants, record holders of all the formerly outstanding common stock of Central Public, are a registered holding company. Central Public was recently reorganized pursuant to a plan filed under section 11 (e) of the act. (See Holding Company Act Release No. 11311). Under the plan all the formerly outstanding stocks of Central Public were canceled, including the common stock held by the applicants. Applicants now seek the entry of an order (File No. 30-135), pursuant to section 5 (d) of the act, declaring that they have ceased to be a holding company. In support of their request it is stated that on or about September 2, 1952, the applicants terminated for all purposes the Voting Trust and returned the Central Public stock to the company for cancellation. In connection with the requested order under section 5 (d) of the act, applicants also request that the Commission grant them permission to withdraw, as moot, a plan heretofore filed by them under section 11 (e) of the act (File No. 54-53) which proposed the transfer to the beneficial owners of all the then outstanding shares of common stock of Central Public registered in the names of the applicants as voting trustees. Applicants further seek the termination of proceedings (File No. 59-49) previously instituted by the Commission under section 11 (b) (2) of the act and directed to them.

Notice is further given that any interested person may, not later than February 18, 1953, request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the applications, as filed, or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1235; Filed, Feb. 5, 1953; 8:48 a. m.]

[File No. 70-2957]

NORTH PENN GAS CO.

ORDER AUTHORIZING PROPOSED PRIVATE SALE OF PROMISSORY NOTES

FEBRUARY 2, 1953.

North Penn Gas Company ("North Penn"), a registered holding company, an operating gas utility company, and a direct subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), also a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6 and 7 of the act and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

North Penn proposes to issue $2,300,000 face amount of 4⅜ percent 20-year Promissory Notes and to sell such notes to five insurance companies, namely, Connecticut General Life Insurance Company, Connecticut Mutual Life Insurance Company, Lincoln National Life Insurance Company and Massachusetts Mutual Life Insurance Company, each of which will purchase $500,000 face amount of the notes, and Home Life Insurance Company which will purchase $300,000 face amount thereof. The proceeds from the proposed sale of the notes together with treasury cash will be used to redeem North Penn's 5 percent Debentures due 1971, presently outstanding in the aggregate principal amount of $2,619,000, at the aggregate redemption price of $2,748,117, plus accrued interest.

North Penn represents that the proposed issuance and sale of the notes and the redemption of its presently outstanding 5 percent Debentures are a necessary step in connection with the carrying out of an Amended Plan of Penn Corp under section 11 (e) of the act providing for the liquidation and dissolution of Penn Corp. (See Holding Company Act Release No. 11600). This plan was approved by the Commission and on January 27, 1953, was ordered enforced by the United States District Court for the District of Delaware. North Penn asserts that the proposed financing is necsary for the reasons that (a) North Penn owns all the common stock of Crystal City Gas Company ("Crystal City"), a subsidiary gas utility company, (b) Penn Corp's Amended Plan provides, among other things, for the distribution of the Crystal City stock to Penn Corp's stockholders, and (c) such disposition of the Crystal City stock cannot presently be effected under the provisions of the agreement securing the 5 percent Debentures of North Penn.

North Penn also represents that because its proposed financing is a prerequisite to consummation of Penn

Corp's plan, it was necessary for North Penn to conclude in advance the arrangements for the issuance and sale of the notes, instead of undertaking to effect such sale pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act.

North Penn having heretofore requested an exemption from the competitive bidding requirements of said Rule U-50, and it appearing that North Penn, prior to negotiating the proposed agreement to issue and sell the notes, had consultations with several investment banking firms and one insurance company concerning the proposed issuance and private sale of the notes;

Said application-declaration as amended having been filed and notices of said filing, as initially proposed and as subsequently amended, having been duly given in the form and manner prescribed by Rule U-23 promulgated under the Act, and the Commission not having received a request for hearing with respect to said application-declaration within the periods specified in said notices, or otherwise, and not having ordered a hearing thereon;

The Commission finding that competitive conditions have been maintained in the negotiations for the sale of the proposed notes and that, under the particular circumstances of the instant case, competitive bidding for the purchase of the notes pursuant to Rule U-50 is not necessary or appropriate in the public interest or for the protection of investors or consumers;

The filing having stated that the proposed financing by North Penn has been authorized by the Pennsylvania Public Utility Commission, the State commission having jurisdiction over the proposed transactions;

Said application-declaration as amended having stated that fees and expenses, including a fee of $16,100 to Eastman, Dillon & Co. as finder and negotiator for North Penn, and legal fees of $7,000 of which $5,000 is for counsel to the purchasers, are estimated by North Penn at $27,167, and it appearing that the record is not complete with respect to the reasonableness of the finder's fee and the legal fees;

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject, however, to a reservation of jurisdiction with respect to the reasonableness of the finder's fee and the legal fees:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the proposed issuance and sale of notes be, and the same hereby is, exempted from the competitive bidding requirements of Rule U-50, all subject to the terms and conditions prescribed in Rule U-24 and to a reservation of jurisdiction with respect to the reasonableness of the finder's fee and the legal fees incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1236; Filed, Feb. 5, 1953; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 21]

CROWN ZELLERBACH CORP.

LOGGING SERVICES SUPPLIED

Statement of considerations. The ceiling price for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, is adjusted by this Special Order 21 pursuant to Section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices paid by a purchaser of non-retail services supplied by sellers who are too numerous to make recourse to section 20 (b) of Ceiling Price Regulation 34 practicable. An adjustment under this section is granted only where it appears that: the sellers are threatening to discontinue the supply of such evidence; the buyer agrees to absorb any increase above the sellers' ceilings; the buyer will be required to pay for the services in question no more than he would be required to pay other suppliers for the same services and the adjustment will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

It appears from information submitted in an application by Crown Zellerbach Corporation that persons from whom it purchases logging services are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. It further appears that these sellers will be forced to discontinue supplying Crown Zellerbach with such services if their ceiling prices are not increased because of their direct labor costs having been increased as the result of wage increases granted by the Wage Stabilization Board. It also appears that Crown Zellerbach has agreed to absorb the price increases applied for; that the charges established herein do not exceed the amount which Crown Zellerbach would be required to pay other suppliers for the same service; and that such increased charges will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

It appears further that the wage increases granted the employees of the sellers herein involved were granted by the Wage Stabilization Board on July 25, 1952, and were made retroactive to April 1, 1952. For this reason, and in conformance with the policy of the Office of Price Stabilization of allowing retroactive adjustment in section 20 (c) cases where the services involved are in substance wages for the sellers involved and where the buyer also has requested and agreed to absorb retroactive increases, the adjustment granted herein is made retroactive to April 1, 1952.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, this Special Order is hereby issued.

(a) The ceiling prices for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, by the following logging contractors shall be increased by 2.42 percent over the ceiling prices under CPR 34 or Special Order 22 thereunder.

Kip Logging Co., Mulino, Oreg.
Raymond Kozera, Molalla, Oreg.
S. G. Fake, 3822 Northeast Failing Street, Portland, Oreg.
Richard Lundeen and Arthur Lundeen, Estacada, Oreg.
M. C. Ogburn, Canby, Oreg.
Norman Larson, 4204 Southeast Sixty-fifth Avenue, Portland 6, Oreg.
M & T Logging Co., Molalla, Oreg.
W. D. Crawford, Mulino, Oreg.
M. R. Olsen, Molalla, Oreg.
G & A Logging Co., Seaside, Oreg.
McCracken Logging Co., Seaside, Oreg.
W. N. Baldwin and W. Holpa, Warrenton, Oreg.
Winters Logging Co., 375 West Madison, Astoria, Oreg.
Ervin L. Smith, 901 Fifth Avenue, Seaside, Oreg.
Kenneth Wren, Gearhart, Oreg.
Kalina Logging Co., Seaside, Oreg.
David T. Waterhouse and George S. Gray, Seaside, Oreg.
Peter E. McCoy, Route 1, Astoria, Oreg.
Williams Logging Co., 596 Alameda, Astoria, Oreg.
James Groat, Seaside, Oreg.
Schmand Logging Co., Grays River, Wash.
J. C. Durrah, G. R. Durrah and A. W. McCormick, Skamokawa, Wash.
Grays River Logging Co., Rosburg, Wash.
J. M. Heldt and Homer Durrah, Rosburg, Wash.
Lindros & Barr Logging Co., Grays River, Wash.,
W. H. Peters and H. F. McKinnon, Deep River, Wash.
V-8 Logging Co., Naselle, Wash.
Mooers & Cook Logging Co., Skamokawa, Wash.
Brix Logging Co., Naselle, Wash.
Walfred and Walter Anderson, Deep River, Wash.
Martin Logging Co., Skamokawa, Wash.
Richardson & Gollersrud Logging Co., Skamokawa, Wash.
Westlind Logging Co., Clatskanie, Oreg.
R. A. Lais, Vernonia, Oreg.
Robert J. Sharp, Vernonia, Oreg.
Daniel R. Wolff, Vernonia, Oreg.
John D. Serafin, Vernonia, Oreg.
Edwin Seidelman, Vernonia, Oreg.
Loran E. Atkins, Vernonia, Oreg.
J. A. Feasle, Box 26D, Tillamook, Oreg.
M. N. O. Logging Co., Box 31, Molalla, Oreg.
Two Quart Logging Co., 215 West Fourth, Tillamook, Oreg.
Kin-nard Timber Co., Terminal Sales Building, Portland 5, Oreg.
Sigmund J. Wendling, Garibaldi, Oreg.
Compton Logging Co., Myrtle Point, Oreg.
Hanson Bros. Logging Co., Florence, Oreg.
M & M Logging Co., Brightwood, Oreg.
Ernest J. Nance, Vernonia, Oreg.

(b) The ceiling prices established in subparagraph (a) of this Special Order are made retroactive to April 1, 1952.

(c) *Definitions.* As used in this Special Order the term "logging services" means all services in connection with the

falling of the standing tree, piling and burning brush, and the swamping, bucking, skidding, peeling, yarding, loading, and reloading on trucks and hauling of forest products over public and private roads. The term "forest products" includes logs, bolts, pulpwood, chemical woods, posts, poles, piling, hewn railroad ties, etc., but does not include firewood.

(d) All provisions of Ceiling Price Regulation 34, as amended (including the filing requirements of section 18 (c)), except as changed by the pricing provisions of this Special Order, shall remain in effect.

(e) This Special Order or any provisions thereof may be revoked, suspended or amended, by the Director of Price Stabilization at any time.

(f) Crown Zellerbach Corporation shall deliver a copy of this Special Order to each logging contractor listed in paragraph 1 above, such delivery to be made in each case with, or prior to, the rendering of logging services by each such logging contractor after the effective date of this Special Order.

Effective date. This order shall become effective January 31, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53–1189; Filed, Jan. 30, 1953; 4:57 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5 Special Order 20]

GENERAL MOTORS CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED JANUARY 22, 1953

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to time allowances which appear in the General Motors Series of preliminary flat rate operations covering 1953 model Buicks, Series 50 and 70.

The Director of Price Stabilization has determined from the data submitted by General Motors Corporation, Buick Preliminary Flat Rate Operations Covering 1953 Series 50 and 70 that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the supplements to Buick Preliminary Flat Rate Operations Covering 1953 Series 50 and 70 dated January 22, 1953 as covered in the General Motors Corporation application are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS January 31, 1953 by Special Order No. 20 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective January 31, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53–1188; Filed, Jan. 30, 1953; 4:56 p. m.]

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 22]

CROWN ZELLERBACH CORPORATION

LOGGING SERVICES SUPPLIED

Statement of considerations. The ceiling price for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, is adjusted by this Special Order 22 pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices paid by a purchaser of non-retail services supplied by sellers who are too numerous to make recourse to section 20 (b) of Ceiling Price Regulation 34 practicable. An adjustment under this section is granted only where it appears that: the sellers are threatening to discontinue the supply of such services; the buyer agrees to absorb any increase above the sellers' ceilings; the buyer will be required to pay for the services in question no more than he would be required to pay other suppliers for the same services and the adjustment will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

It appears from information submitted in an application by Crown Zellerbach Corporation that persons from whom it purchases logging services are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. It further appears that these sellers will be forced to discontinue supplying Crown Zellerbach with such services if their ceiling prices are not increased because of their direct labor costs having been increased as the result of wage increases granted by the Wage Stabilization Board. It also appears that Crown Zellerbach has agreed to absorb the price increases applied for; that the charges established herein do not exceed the amount which Crown Zellerbach would be required to pay other suppliers for the same service; and that such increased charges will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

It appears further that the wage increases granted the employees of the sellers herein involved were granted by the Wage Stabilization Board on August 14, 1951 and were made retroactive to April 1, 1951. For this reason, and in conformance with the policy of the Office of Price Stabilization of allowing retroactive adjustment in section 20 (c) cases where the services involved are in substance wages for the sellers involved and where the buyer also has requested and agreed to absorb a retroactive increase, the adjustment granted herein is made retroactive to April 1, 1951.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, this Special Order is hereby issued.

(a) The ceiling prices for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, by the following logging contractors shall be increased by 2.8 percent:

Mooers & Cook Logging Co., Skamokawa, Wash.
Grays River Logging Co., Rosburg, Wash.
Holdt & Durrah, Rosburg, Wash.
C. J. Schmand, Grays River, Wash.
R. F. Mooers, Skamokawa, Wash.
Lindos & Barr, Grays River, Wash.
V–8 Logging Co., Nacelle, Wash.
M & T Logging Co., Molalla, Oreg.
Norman Larson, 4204 Southeast Sixty-fifth Ave., Portland 6, Oreg.
Gilbert Kappler, Mulino, Oreg.
Raymond Kozeru, Molalla, Oreg.
S. G. Fake, 3822 Southeast Feiling Street, Portland, Oreg.
Richard Lundeen and Arthur Lundeen, Estacada, Oreg.
M. C. Ogburn, Canby, Oreg.
James C. Durrah, George R. Durrah, and Alex W. McCormick, Skamokawa, Wash.
Frank P. Hays, Mist Route, Vernonia, Oreg.
F. Ralph Durette, Melvin Durette, and Lawrence A. Durette, Route 1, Gervais, Oreg.
Ervin L. Smith, 901 Fifth Avenue, Seaside, Oreg.
Winters Logging Co., 375 West Madison, Astoria, Oreg.
Kenneth Wrenn, Gearhart, Oreg.
Baldwin & Holpa, Warrenton, Oreg.
Ober Logging Co., Gearhart, Oreg.
Edsell Aspno, Astoria, Oreg.
Jens Lorback, 1518 South Holladay Street, Seaside, Oreg.
G. & A. Logging Co., Seaside, Oreg.
M. R. Petersen, Timber Route, Vernonia, Oreg.
Edwin Siedelman, Timber Route, Box 31, Vernonia, Oreg.
Loran E. Atkins, Vernonia, Oreg.
Robert J. Sharp and Daniel R. Wolff, Vernonia, Oreg.
John D. Serafin, Vernonia, Oreg.
R. W. DuRatte and Murvin White, Box 62, Vernonia, Oreg.
Westlind Logging Co., Clatskanie, Oreg.
J. A. Fenale, Box 26–B, Tillamook, Oreg.
MNO Logging Co., Box 31, Molalla, Oreg.
O & M Logging Co., Route 2, Clatskanie, Oreg.

(b) The ceiling prices established in subparagraph (a) of this Special Order are made retroactive to April 1, 1951.

(c) *Definitions.* As used in this Special Order the term "logging services" means all services in connection with the falling of the standing tree, piling and burning brush, and the camping, bucking, skidding, peeling, yarding, loading, and reloading on trucks and hauling of forest products over public and private roads. The term "forest products" include logs, bolts, pulpwood, chemical woods, posts, poles, piling, hewn railroad ties, etc., but does not include firewood.

(d) All provisions of Ceiling Price regulation 34, as amended (including the filing requirements of section 18 (c), except as changed by the pricing provisions of this Special Order shall remain in effect.

(e) This Special Order or any provisions thereof may be revoked, suspended or amended, by the Director of Price Stabilization at any time.

(f) Crown Zellerbach Corporation shall deliver a copy of this Special Order to each logging contractor listed in paragraph 1 above, such delivery to be made in each case with, or prior to, the rendering of logging services by each such logging contractor after the effective date of this Special Order.

Effective date. This order shall become effective January 31, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

JANUARY 30, 1953.

[F. R. Doc. 53-1190; Filed, Jan. 30, 1953; 4:57 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27763]

SLABS BETWEEN POINTS IN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Concrete building or roofing slabs, carloads.

Between: Points in southern territory on the one hand, and points in trunkline and New England territories, including Buffalo-Pittsburgh zone, on the other.

Grounds for relief: Rail competition, circuity, additional kindred articles, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-726, Supp. 270.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1238; Filed, Feb. 5, 1953; 8:49 a. m.]

[4th Sec. Application 27764]

FINE COAL FROM ILLINOIS, INDIANA, AND WESTERN KENTUCKY, TO WAUKEGAN, ILL.

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Bituminous fine coal, in carloads.

From: Points in Illinois, Indiana, and western Kentucky.

To: Waukegan, Ill.

Grounds for relief: Rail competition, circuity, differential relationships, and change in commodity description.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
B&O RR	C&C-3040	11
C&EI RR	2	148
CI&L RR	4798	20
CMStP&P RR	B-7717	16
IC RR	E-1869	19
C. A. Spaninger, Agent	1224	32
NYC RR	1306	17
P RR	3210	12

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1239; Filed, Feb. 5, 1953; 8:49 a. m.]

[4th Sec. Application 27765]

KINDRED GRAIN AND PRODUCTS, FROM, TO, AND WITHIN THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to fourth-section applications Nos. 21836, 21837, and 22296.

Commodities involved: Kindred grain, grain products, and related commodities, carloads.

From, to, and between points in southern territory.

Grounds for relief: Rail competition, circuity, and analogous commodities.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1240; Filed, Feb. 5, 1953; 8:49 a. m.]

[4th Sec. Application 27766]

COMMODITIES FROM, TO, AND BETWEEN SOUTHERN AND EASTERN POINTS

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs named in the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From, and to points in southern and official territories.

Grounds for relief: Rail competition and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to invcstigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1241; Filed, Feb. 5, 1953; 8:50 a. m.]

[4th Sec. Application 27767]

PETROLEUM PRODUCTS FROM BATON ROUGE, LA., TO GULFPORT, MISS.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Fernwood, Columbia & Gulf Railroad Company, Illinois Central Railroad Company, and Mississippi Central Railroad Company.

Commodities involved: Petroleum products, carloads.

From: Baton Rouge, La.

To: Gulfport, Miss.

Grounds for relief: Rail competition and circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1242; Filed, Feb. 5, 1953; 8:50 a. m.]

[4th Sec. Application 27768]

SAND FROM GUION, ARK., AND POINTS IN MISSOURI, TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3737.

Commodities involved: Sand, including ground or pulverized, carloads.

From: Crystal City, Klondike, Ludwig, Pacific, and Sand Pit, Mo., and Guion, Ark.

To: Louisville, Ky.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 210.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1243; Filed, Feb. 5, 1953; 8:50 a. m.]

[4th Sec. Application 27769]

CARBON DIOXIDE FROM CHICAGO, ILL., TO CLEVELAND, OHIO

APPLICATION FOR RELIEF

FEBRUARY 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to tariffs named in appendix "A" of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Liquefied carbon dioxide, in tank-car loads.

From: Chicago, Ill.

To: Cleveland, Ohio.

Grounds for relief: Rail competition and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1244; Filed, Feb. 5, 1953; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JEAN PIERRE PAUL DOMBRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jean Pierre Paul Dombre, Maisons-Lafitte, Seine & Oise, France; Claim No. 5100; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,171,742.

Executed at Washington, D. C., on February 2, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1273; Filed, Feb. 5, 1953; 8:53 a. m.]

FRANCISCO SALSAS-SERRA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francisco Salsas-Serra, Paris, France; Claim No. 5338; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,166,772.

Executed at Washington, D. C., on February 2, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1274; Filed, Feb. 5, 1953; 8:53 a. m.]

[Vesting Order 19161]

FRANK MEIER

In re: Bank account owned by Frank Meier. F–28–32052.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Sup.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frank Meier, whose last known address is Alburg 5, b. Straubling, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The First National Bank of Anchorage, Anchorage, Alaska, arising out of a bank account entitled Frank Meier, maintained with the aforesaid Bank, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frank Meier, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 2, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1272; Filed, Feb. 5, 1953; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 26

Washington, Saturday, February 7, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.179]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (a) is amended by the deletion of the following posts:

British Guiana, all posts except Georgetown.
Kuala Lumpur, Malaya.
Subic Bay, Philippines.

2. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (b) is amended by the deletion of the following posts:

Georgetown, British Guiana.
Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Davao, Laoag, Legaspi, Manila, Subic Bay, and Tuguegarao.
Turkey, all posts except Ankara, Bandirma, Diyarbakir, Elaziz, Erzurum, Iskenderun, Istanbul, Izmir, Kayseri and Konya.

3. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (c) is amended by the deletion of the following post:

Mombasa, Kenya.

4. Effective as of the beginning of the first pay period following January 3, 1953, paragraph (a) is amended by the addition of the following post:

Songkhla, Thailand.

5. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (a) is amended by the addition of the following posts:

Batman, Turkey.
Boela Koemba, Indonesia.
British Guiana, all posts.
Gutingsaga, Indonesia.
Kabandjahe, Indonesia.
Lho Sudon, Indonesia.

6. Effective as of the beginning of the first pay period following December 20, 1952, paragraph (b) is amended by the addition of the following post:

Comayagua, Honduras.

7. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (b) is amended by the addition of the following posts:

Mombasa, Kenya.
Philippines, all posts except Angeles, Baguio City, Cavite (including Sangley Point), Davao, Laoag, Legaspi, Manila and Tuguegarao.
Turkey, all posts except Ankara, Bandirma, Batman, Diyarbakir, Elaziz, Erzurum, Iskenderun, Istanbul, Izmir, Kayseri and Konya.

8. Effective as of the beginning of the first pay period following January 31, 1953, paragraph (c) is amended by the addition of the following post:

Kuala Lumpur, Malaya.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

JANUARY 21, 1953.

[F. R. Doc. 53-1296; Filed, Feb. 6, 1953; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 133]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.612 *Tangerine Regulation 133*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the

(Continued on next page)

CONTENTS

Agriculture Department Page

See Production and Marketing Administration.

Commerce Department

See National Production Authority.

Customs Bureau

Notices:
Mustard seeds; tariff classification 808

Federal Communications Commission

Rules and regulations:
Amateur radio service; emissions and other particulars of operation in certain amateur frequency bands 800
Industrial and land transportation radio services; use of certain frequencies allocated to Government radio stations by non-Government stations; application procedure 799

Federal Power Commission

Notices:
Hearings, etc.:
Arizona Public Service Co 807
Central Illinois Public Service Co 807
Cities Service Gas Co 807
Glacier County Electric Cooperative, Inc., and Marias River Electric Cooperative, Inc 807
Montana Power Co 808
Ohio Valley Gas Corp. and Tennessee Gas Pipe Line Co 807
Southern Natural Gas Co 807
Tennessee Gas Transmission Co 807

Indian Affairs Bureau

Rules and regulations:
Uintah Indian Irrigation Project, Utah; operation and maintenance charges 797

Interior Department

See Indian Affairs Bureau.

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Internal Revenue Bureau Page
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941:
Corporations to submit evidence of charitable contribution claimed as deduction in taxable year preceding year of contribution 797
Sale of land with unharvested crop 797

Interstate Commerce Commission
Notices:
Canned goods in official territory; reassigning time for hearings and prescribing new due dates for performance of certain acts 808
Pipe from Galveston, Houston and Orange, Tex., to Michigan and Wisconsin; application for relief 808
Rules and regulations:
Explosives and other dangerous articles; miscellaneous amendments 801

Labor Department Page
See Public Contracts Division.

National Production Authority
Rules and regulations:
Electric utilities; use of program identification E–5 (M–50, Dir. 4) 799
Revocations:
Cans (M–25) 799
Chemicals and allied products, allocation of; thiokol (M–45, Sched. 10) 799
Collapsible tubes (M–27) 799
Packaging closures (M–26) 799
Tin (M–8) 798
Tin plate and terneplate (M–24) 798

Production and Marketing Administration
Rules and regulations:
Limitations of shipments:
Lemons grown in California and Arizona 796
Oranges, grapefruit and tangerines grown in Florida (3 documents) 793, 795

Public Contracts Division
Proposed rule making:
Minimum wage determinations; extension of time for filing exceptions and objections to proposed prevailing minimum wage for Woolen and Worsted Industry 807

State Department
Rules and regulations:
Additional compensation in foreign areas; designation of differential posts 793

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page
Chapter III:
Part 325 793

Title 7
Chapter IX:
Part 933 (3 documents) 793, 795
Part 953 796

Title 25
Chapter I:
Part 130 797

Title 26
Chapter I:
Part 29 (2 documents) 797

Title 32A
Chapter VI (NPA):
M–8 798
M–24 798
M–25 799
M–26 799
M–27 799
M–45, Sched. 10 799
M–50, Dir. 4 799

CODIFICATION GUIDE—Con.

Title 41 Page
Chapter II:
Part 202 (proposed) 807

Title 47
Chapter I:
Part 11 799
Part 12 800
Part 16 799

Title 49
Chapter I:
Part 72 801
Part 73 801
Part 74 804
Part 75 805
Part 76 805
Part 77 805
Part 78 805

State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 9, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 9, 1953; the recommendation and supporting information for continued regulation subsequent to February 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regu-

lation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 9, 1953, and ending at 12:01 a. m., e. s. t., February 16, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Russet; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1342; Filed, Feb. 6, 1953; 8:51 a. m.]

[Orange Reg. 230]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.613 *Orange Regulation 230*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 9, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 9, 1953; the recommendation and supporting information for continued regulation subsequent to February 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 9, 1953, and ending at 12:01 a. m., e. s. t., February 23, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (§ 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1344; Filed, Feb. 6, 1953; 8:52 a. m.]

[Grapefruit Reg. 175]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.614 *Grapefruit Regulation 175*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 9, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 9, 1953; the recommendation and supporting information for continued regulation subsequent to February 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 9, 1953, and ending at 12:01 a. m., e. s. t., February 16, 1953, no handler shall ship:

(i) Any white seeded grapefruit grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iv) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1343; Filed, Feb. 6, 1953; 8:51 a. m.]

[Lemon Reg. 471]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.578 *Lemon Regulation 471*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 4, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 8, 1953, and ending at 12:01 a. m., P. s. t., February 15, 1953, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 200 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Feb. 1, 1953]

DISTRICT NO. 1

[12:01 a. m. Feb. 8, 1953, to 12:01 a. m. Feb. 22, 1953]

Handler	*Prorate base (percent)*
Total	100.000
Klink Citrus Association	35.988
Lemon Cove Association	27.817
Tulare County Lemon & Grapefruit Association	33.293
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	2.026
Zaninovich Bros., Inc	.876

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.551
American Fruit Growers, Inc., Fullerton	.777
American Fruit Growers, Inc., Upland	.480
Consolidated Lemon Co	1.392
Hazeltine Packing Co	1.051
Ventura Coastal Lemon Co	3.707
Ventura Pacific Co	3.111
Glendora Lemon Growers Association	2.447
La Verne Lemon Association	.737
La Habra Citrus Association	.713
Yorba Linda Citrus Association	.226
Escondido Lemon Association	4.077
Cucamonga Mesa Growers	2.495
Etiwanda Citrus Fruit Association	.326
San Dimas Lemon Association	1.113
Upland Lemon Growers Association	6.277
Central Lemon Association	.348
Irvine Citrus Association	.319
Placentia Mutual Orange Association	.813
Corona Citrus Association	.519
Corona Foothill Lemon Co	1.946
Jameson Co	1.186
Arlington Heights Citrus Co	.861
College Heights Orange & Lemon Association	3.713
Chula Vista Citrus Association, The	.691
Escondido Cooperative Citrus Association	.290
Fallbrook Citrus Association	2.024
Lemon Grove Citrus Association	.484
Carpinteria Lemon Association	2.430
Carpinteria Mutual Citrus Association	2.758
Goleta Lemon Association	4.626
Johnston Fruit Co	6.129
North Whittier Heights Citrus Association	.660
San Fernando Heights Lemon Association	4.659
Sierra Madre-Lamanda Citrus Association	1.160
Briggs Lemon Association	1.143
Culbertson Lemon Association	.885
Fillmore Lemon Association	.877
Oxnard Citrus Association	4.640
Rancho Sespe	.407
Santa Clara Lemon Association	4.038
Santa Paula Citrus Fruit Association	1.692
Saticoy Lemon Association	3.340
Seaboard Lemon Association	4.244
Somis Lemon Association	3.212
Ventura Citrus Association	.836
Ventura County Citrus Association	.665
Limoneira Co	1.106
Teague-McKevett Association	.441
East Whittier Citrus Association	.317

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Murphy Ranch Co	0.674
Chula Vista Mutual Lemon Association	.699
Index Mutual Association	.295
La Verne Cooperative Citrus Association	2.195
Ventura County Orange & Lemon Association	2.426
Dunning Ranch	.114
Huarte, Joseph D	.018
Latimer, Harold	.060
Paramount Citrus Association, Inc	.544
Santa Rosa Lemon Co	.016
Torn Ranch	.000
Far West Produce Distributors	.020

[F. R. Doc. 53-1363; Filed, Feb. 6, 1953; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

UINTAH INDIAN IRRIGATION PROJECT, UTAH

On November 21, 1952 (Vol. 17, No. 228, FEDERAL REGISTER, page 10637), there was published a notice of intention to amend §§ 130.77 and 130.77b to increase the annual rate of assessments for the operation and maintenance of the irrigable lands of the Uintah Indian Irrigation Project, Utah, by increasing the basic water charges from $1.75 per acre to $2.10 per acre per annum. Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data with the Area Director of the Bureau of Indian Affairs with headquarters at Phoenix, Arizona, not later than December 11, 1952. Within the time allowed, an objection was filed with the Director by the Uintah Basin Indian Water Users' Association. The Water Users' Association requested a hearing in regard to the raise and requested to know what the money would be used for and why a raise is necessary. A formal hearing was held at the office of the Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, on December 19, 1952. The President and other representatives of the Uintah Basin Indian Water Users' Association attended this hearing. The budget showing the expenditures proposed for the Uintah Indian Irrigation Project was presented to the Water Users' Association and explained in detail. It was not demonstrated at the hearing that appreciable reductions in the budget items could be made. After reviewing the transcript of the hearing and the budget and bearing in mind the substantial increase in cost in operating and maintaining the Uintah Indian Irrigation Project since 1949 when the last assessment rate was fixed, I have concluded that the assessment rate should now be $2.10 per acre annually effective for the calendar year 1953 and thereafter until further notice. Accordingly §§ 130.77 and 130.77b are amended to read as follows:

§ 130.77 *Basic water charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per acre basis against the irrigable lands of all units of the project and for the calendar year 1953 and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $2.10 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

§ 130.77b *Charges for additional delivery points.* The charges provided in this part are on the basis of one delivery point for each tract of land in contiguous ownership. For each additional delivery point on any tract of land in contiguous ownership, now existing thereon or which may be installed in the future, a service charge of 10 cents per acre shall be assessed annually against each acre of such tract.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

L. L. NELSON,
Acting Area Director.

[F. R. Doc. 53-1280; Filed, Feb. 6, 1953; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5979; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CORPORATIONS TO SUBMIT EVIDENCE OF CHARITABLE CONTRIBUTION CLAIMED AS DEDUCTION IN TAXABLE YEAR PRECEDING YEAR OF CONTRIBUTION

On November 15, 1952, notice of proposed rule making, regarding amendments to Regulations 111 (26 CFR Part 29), was published in the FEDERAL REGISTER (17 F. R. 10464). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Section 29.23 (q)-1 of Regulations 111 as amended by Treasury Decision 5924, approved August 4, 1952, is further amended as follows:

(A) By inserting in lieu of the second and third sentences of paragraph (c) thereof the following: "For taxable years beginning after December 31, 1948, such election shall be made only at the time of the filing of the return for the taxable year and shall be signified by reporting such contribution or gift on the return. There shall be attached to such return a written declaration that the resolution authorizing the contribution or gift was adopted by the board of directors during the taxable year, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury. With respect to contributions or gifts authorized on or after January 1, 1953, there shall be attached to the return, in addition to the written declaration referred to in the preceding sentence, a copy of the resolution of the board of directors authorizing such contribution or gift."

(B) By inserting in lieu of the fifth and sixth sentences of paragraph (c) thereof the following: "For taxable years beginning after December 31, 1942, and before January 1, 1949, the election shall be signified by a written statement filed with the consent hereinbefore described in which the contribution or gift shall be specified together with a written declaration that the resolution authorizing the contribution or gift was adopted by the board of directors during the taxable year with respect to which the deduction is claimed, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner,
of Internal Revenue.

Approved: February 3, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1298; Filed, Feb. 6, 1953; 8:50 a. m.]

[T. D. 5980, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

SALE OF LAND WITH UNHARVESTED CROP

On December 4, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by section 323 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 10970). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.24-1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Treatment of deductions*—(1) *Amendment of section 24.* Section 24 (relating to items not deductible) is hereby amended by adding at the end thereof a new subsection to read as follows:

(f) *Sale of land with unharvested crop.* Where an unharvested crop sold by the taxpayer is considered under the provisions of section 117 (j) (3) as "property used in the trade or business", in computing net income no deduction (whether or not for the taxable year of the sale and whether for expenses, depreciation, or otherwise) attributable to the production of such crop shall be allowed.

* * * * *

(c) *Effective date.* * * * The amendments made by subsection (b) shall be applicable to any taxable year for which a deduction is disallowed by reason of sales, exchanges, or conversions to which subsection (a) is applicable.

PAR. 2. There is inserted immediately after § 29.24–9 the following:

§ 29.24–10 *Items attributable to an unharvested crop sold with the land.* In computing net income no deduction shall be allowed in respect of items attributable to the production of an unharvested crop which is sold, exchanged, or involuntarily converted in a taxable year beginning after December 31, 1950, with the land and which is considered as property used in the trade or business under section 117 (j) (3). See § 29.117–7. Such items shall be so treated whether or not the taxable year involved is that of the sale, exchange, or conversion of such crop and whether they are for expenses, depreciation, or otherwise. If the taxable year involved is not that of the sale, exchange, or conversion of such crop, a recomputation of the tax liability for such year shall be made; such recomputation should be in the form of an "amended return" if necessary. For the adjustments to basis as a result of such disallowance, see § 29.113 (b) (1)–1.

PAR. 3. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Treatment of deductions.* * * *

(2) *Amendment of section 113 (b) (1).* Section 113 (b) (1) (relating to adjustments to basis) is hereby amended by adding at the end thereof a new subparagraph to read as follows:

(L) For deductions to the extent disallowed under section 24 (f), notwithstanding the provisions of any other subparagraph of this paragraph.

(c) *Effective date.* * * * The amendments made by subsection (b) shall be applicable to any taxable year for which a deduction is disallowed by reason of sales, exchanges, or conversions to which subsection (a) is applicable.

PAR. 4. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5967, approved December 30, 1952, is hereby amended by adding at the end thereof the following paragraph (k):

(k) In the case of an unharvested crop which is sold, exchanged, or involuntarily converted in a taxable year beginning after December 31, 1950, with the land and which is considered as property used in the trade or business under section 117 (j) (3), the basis of such crop shall be increased by the amount of the items which are attributable to the production of such crop and which are disallowed, under section 24 (f) and § 29.24–10, as deductions in computing net income. See §§ 29.24–10 and 29.117–7. The basis of any other property shall be decreased by the amount of any such items which are attributable to such other property, notwithstanding any provision of section 113 (b) (1) or of this section to the contrary. For example, if the items attributable to the production of an unharvested crop consist only of fertilizer costing $100 and $50 depreciation on a tractor used only to cultivate such crop and such items are disallowed under section 24 (f) and § 29.24–10, the adjustments to the basis of such crop shall include an increase of $150 for such items and the adjustments to the basis of the tractor shall include a reduction of $50 for the depreciation on the tractor.

PAR. 5. There is inserted immediately preceding § 29.117–1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of gain or loss.* Section 117 (j) (relating to sale or exchange of property used in the trade or business) is hereby amended—

(1) By inserting immediately before the period at the end of the second sentence of paragraph (1) thereof the following: "and unharvested crops to which paragraph (3) is applicable"; and

(2) By adding at the end thereof a new paragraph to read as follows:

(3) *Sale of land with unharvested crop.* In the case of an unharvested crop on land used in the trade or business and held for more than 6 months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in paragraph (2)) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

* * * * *

(c) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to sales, exchanges, and conversions, occurring in taxable years beginning after December 31, 1950. * * *

PAR. 6. Section 29.117–7, as amended by Treasury Decision 5970, approved January 6, 1953, is hereby amended as follows:

(A) By adding at the end of paragraph (a) (1) (iv) thereof the following:

(v) Gains and losses from the sale, exchange, or involuntary conversion in a taxable year beginning after December 31, 1950, of an unharvested crop under the conditions specified in paragraph (d) of this section.

(B) By adding at the end thereof the following:

(d) *Unharvested crops.* The conditions referred to in paragraph (a) (1) (v) of this section are: (1) The unharvested crop is on land which is "section 117 (j) property", as defined in paragraph (a) (3) of this section, and such land has been held for more than six months; (2) such crop and such land are sold, exchanged, or converted at the same time and to the same person; and (3) no right or option is retained by the taxpayer, at the time of the sale, exchange, or conversion, to reacquire, directly or indirectly, the land (other than one customarily incident to a mortgage or other security transaction). The length of time for which the crop, as distinguished from the land, has been held is immaterial. A leasehold or estate for years is not "land" for the purpose of this section.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: February 3, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1299; Filed, Feb. 6, 1953; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–8—Revocation]

M–8—TIN

REVOCATION

NPA Order M–8 (18 F. R. 15) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–8 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1371; Filed, Feb. 6, 1953; 11:21 a. m.]

[NPA Order M–24—Revocation]

M–24—TIN PLATE AND TERNEPLATE

REVOCATION

NPA Order M–24 (17 F. R. 8270) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–24 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1372; Filed, Feb. 6, 1953; 11:21 a. m.]

[NPA Order M–25—Revocation]

M–25—CANS

REVOCATION

NPA Order M–25 (18 F. R. 21) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–25 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1373; Filed, Feb. 6, 1953; 11:21 a. m.]

[NPA Order M–26—Revocation]

M–26—PACKAGING CLOSURES

REVOCATION

NPA Order M–26 (17 F. R. 9819) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–26 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1374; Filed, Feb. 6, 1953; 11:22 a. m.]

[NPA Order M–27—Revocation]

M–27—COLLAPSIBLE TUBES

REVOCATION

NPA Order M–27 (17 F. R. 3406) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–27 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1375; Filed, Feb. 6, 1953; 11:22 a. m.]

[NPA Order M–45 and Schedule 10—Revocation]

M–45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHEDULE 10—THIOKOL

REVOCATION

NPA Order M–45 (16 F. R. 2565) and Schedule 10 (17 F. R. 4537) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–45 and/or Schedule 10, nor deprive any person of any rights received or accrued under that order or schedule prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1376; Filed, Feb. 6, 1953; 11:22 a. m]

[NPA Order M–50, Direction 4]

M–50—ELECTRIC UTILITIES

DIR. 4—USE OF PROGRAM IDENTIFICATION E–5

This direction to NPA Order M–50 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been impracticable because of the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Use of program identification E–5 by electric utilities.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* NPA Order M–50 requires that electric utilities, in placing authorized controlled material orders and in placing rated orders for materials and products other than controlled materials, use the program identification H–3 for major plant additions. Certain electric power projects are of such importance to the atomic energy program, however, that they may properly be given a priority status equal to that accorded to projects of the Atomic Energy Commission. This direction accordingly provides that an electric utility shall use the program identification E–5, instead of H–3, for major plant additions when authorized to do so by the Defense Electric Power Administration. It also contains provisions with reference to the procedure to be followed by sub-suppliers. This direction has no application to the minor requirements of an electric utility as defined in NPA Order M–50.

SEC. 2. *Use of program identification E–5 by electric utilities.* In the event and to the extent that the Defense Electric Power Administration authorizes in writing any electric utility to use the program identification E–5 with respect to any designated major plant addition, such electric utility shall thereafter use that program identification instead of H–3 in placing authorized controlled material orders or rated orders for materials or products to be used in such major plant addition, and shall, by written notice to its suppliers, convert from H–3 to E–5 the program identification identifying all outstanding orders for such materials or products. In all other respects the provisions of NPA Order M–50 relating to the use of the program identification H–3 shall be applicable to the use of the program identification E–5, but Direction 3 to NPA Order M–50 (permitting automatic revalidation of allotments) shall not apply to orders bearing the program identification E–5. Suppliers holding converted orders, and their sub-suppliers in succession, shall likewise place orders or convert their previously placed orders by use of the E–5 allotment number, the DO–E–5 rating, or the B–5 suffix appended to another allotment number or rating, as may be appropriate, in accordance with the provisions of the applicable NPA regulations and orders (particularly CMP Regulations Nos. 1 and 3). Such conversion shall not, however, deprive a converted order of its status as an authorized controlled material order or a rated order, as the case may be, or constitute a ground for postponement of the scheduled delivery date. The converted order shall be given the priority status to which its new program identification entitles it under applicable NPA regulations and orders.

This direction shall take effect February 6, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1377; Filed, Feb. 6, 1953; 11:22 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

USE OF CERTAIN FREQUENCIES ALLOCATED TO GOVERNMENT RADIO STATIONS BY NON-GOVERNMENT STATIONS; APPLICATION PROCEDURE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of January 1953;

The Commission having under consideration the amendment of Part 11—In-

dustrial Radio Services, and Part 16—Land Transportation Radio Services, to include in each of those parts the provision now contained in Part 2 with reference to the use of certain frequencies allocated to government radio stations by non-Government stations, and also to specify the procedures to be followed in submitting applications for certain of such facilities;

It appearing, that the use of frequencies allocated exclusively to Government stations may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities;

It further appearing, that certain specific hydrological and meteorological frequencies which may be assigned to non-Government stations are shown in Part 2 of the Commission's rules (footnote US25), and that these frequencies should for convenience of the public also be shown in certain sections of Parts 11 and 16 of the Commission's rules;

It further appearing, that the amendments ordered herein relate to the codification and clarification of existing policies and procedures and that therefore, a notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is unnecessary and the rule should be made effective immediately;

It is ordered, That under authority of sections 301 and 303 (e), (f), and (r) of the Communications Act of 1934, as amended, that Parts 11 and 16 of the Commission's rules are amended effective immediately as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: January 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Add a new paragraph (f) to § 11.8 and a new paragraph (c) to § 16.8 as follows:

Frequencies assigned to Federal Government radio stations under Executive order of the President may be authorized for use by stations licensed under this part upon appropriate showing by the applicant that such assignment is necessary for inter-communication with Federal Government stations or required for coordination with activities of the Federal Government, provided the Commission dctermines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

2. Add a new paragraph (c) to §§ 11.253, 11.303, 11.353 and 11.503 as follows:

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, Operational Fixed stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile station or Base station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc	*Mc*	*Mc*
169.425	171.025	[1] 406.050
169.475	171.075	[1] 406.150
169.525	171.125	[1] 406.250
169.575	171.175	[1] 406.350
170.225	171.825	[1] 412.450
170.275	171.875	[1] 412.550
170.325	171.925	[1] 412.650
170.375	171.975	[1] 412.750

[1] Primarily for use by Fixed Relay Stations.

3. Add a new paragraph (c) to § 16.353 as follows:

(c) Pursuant to the provisions of § 16.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 16.151, Operational Fixed stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any Mobile station or Base station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

Mc	*Mc*	*Mc*
169.425	171.025	[1] 406.050
169.475	171.075	[1] 406.150
169.525	171.125	[1] 406.250
169.575	171.175	[1] 406.350
170.225	171.825	[1] 412.450
170.275	171.875	[1] 412.550
170.325	171.925	[1] 412.650
170.375	171.975	[1] 412.750

[1] Primarily for use by Fixed Relay Stations.

[F. R. Doc. 53-1294; Filed, Feb. 6, 1953; 8:47 a. m.]

[Docket No. 10188]

PART 12—AMATEUR RADIO SERVICE

EMISSIONS AND OTHER PARTICULARS OF OPERATION IN CERTAIN AMATEUR FREQUENCY BAND

In the matter of amendment of Part 12—Amateur Radio Service, to specify emissions and other particulars of operation in the amateur frequency band 21,000–21,450 kc, and for other purposes; Docket No. 10188.

Effective May 1, 1952, the Commission amended its rules governing Amateur Radio Service by adding a new frequency band, 21,000–21,450 kc, with A–1 emission. The Commission's order indicated that further amendments in the matter of specifying the various emissions and particulars of permissible operation in this band would be adopted at a later date. Thereafter the Commission adopted the notice of proposed rule making in this proceeding, and it was duly published in the FEDERAL REGISTER on May 10, 1952 (17 F. R. 4303). The notice proposed to amend § 12.23 (e) of Part 12 by substituting for the Novice amateur frequency band 26.96 to 27.23 Mc, a segment of the new frequency band (21.15 to 21.30 Mc). The notice also proposed deletion of subparagraph (11) of § 12.111 (a); amendment of § 12.111 (a) (5) to specify emissions for use within the frequency band 21.00 to 21.45 Mc; amendment of subparagraph (10) of § 12.111 (a) to remove certain conditions respecting use of frequencies in the band 220–225 Mc, and amendment of § 12.111 (a) by re-numbering its subparagraphs, numerically, to conform with the foregoing changes.

Following publication of the notice some 85 written comments were received from individual amateurs, amateur organizations, and groups. These comments, for the most part, were in favor of adoption of the proposed amendments, and suggested changes have been incorporated into the amended rules with certain exceptions which are hereinafter described in detail.

Some comment was to the effect that frequencies in the band under consideration may be unsuited for use by Novice operators because of possible interference to television reception and while they are presently suitable only for local contracts, future propagation conditions will be such that these frequencies can later be expected to become effective for long-distance communication purposes. The frequency band is expected to be so heavily occupied then that Novice operators would find it extremely difficult to use.

Relative to the possibility of interference to television reception from utilization of a segment of the frequency band 21,000–21,450 kc by Novice operators, the probability of television interference depends more upon the design of the television receiver and of the amateur transmitter, and the manner in which they are installed than upon a choice between operation in the 21 or 27 megacycle amateur bands. It is an accepted fact that television interference, attributable to operation of amateur transmitters, can be resolved satisfac-

torily by appropriate suppression measures. The allocation of frequencies in the 21 Mc band for Novice operation will afford the Novice opportunities to participate in long-distance communication. A slight shift of the Novice portion of the 21-megacycle band was, however, necessary because of the change made in the final rules respecting the position of the radiotelephone segment of the same band.

Some comments were to the effect that too much space was provided for radioteleprinter operation and that not more than 25 or 50 kilocycles should be set aside for that purpose in view of the comparatively small number of amateurs engaged in radio-teleprinter operation. While the total frequency space allocated to the radio-teleprinter operation remains the same as that proposed, provision for such operation is shifted to the band 21.00 to 21.25 Mc because of the change made in the final rules regarding the position of the radiotelephone segment of this band. It is expected that, actually, only a small part of this frequency space will be occupied by radioteleprinters as experience with other special types of operation in the amateur bands indicates that amateur teleprinter operators will tend to gravitate to a few spot frequencies rather than to utilize the entire band.

The original notice contemplated subdividing the frequency band 21,000–21,450 kc into two radiotelephone segments: 21,000–21,100 kc and 21,350–21,450 kc. Comment received overwhelmingly opposed the splitting of the radiotelephone band into two segments and, accordingly, the Commission is providing a single radiotelephone band, 21,250–21,450 kc, in the portion of the frequency band most generally recommended for that purpose.

The Maritime Mobile Amateur Radio Club requested that the Commission enlarge the proceeding by adopting an amendment of § 12.91 to make the frequency band 21.00 to 21.45 Mc available for portable-mobile operation outside the continental limits of the United States. The club was advised that its comment in this respect cannot be considered in this proceeding since the rule making here is addressed only to the proposition of amending § 12.111 of Part 12 to the extent that types of emission and operating procedures are specified and incidental amendment of § 12.23 (e) in respect to the use of a part of that band by Novice operators. Accordingly, the petition of the Maritime Mobile Amateur Radio Club is being separately considered by the Commission, and, if granted, will result in publication of a notice of proposed rule making in respect to amendment of § 12.91 of Part 12. The amendments here adopted are designed only to provide maximum usefulness of the newly activated amateur frequency band in the interest of the various types of operation conducted by radio amateurs in the confines of the United States, its territories and possessions.

These amendments are issued pursuant to authority contained in sections 4 (i), 303 (c), (f), (l) and (r) of the Communications Act of 1934, as amended. It is ordered that, effective 3:00 a. m., e. s. t., March 28, 1953, §§ 12.23 and 12.111 of Part 12—Amateur Radio Service—are are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 28, 1953.

Released: January 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 12.23 (e) by substituting the frequencies 21.10 to 21.25 Mc for the frequencies 26.960 to 27.230 Mc.

2. Amend § 12.111 in the following particulars:

a. Delete present subparagraph (11) of § 12.111 (a).

b. Amend § 12.111 (a) (5) to provide as follows:

(5) 21.00 to 21.45 Mc, using type A–1 emission; 21.00 to 21.25 Mc, using type F–1 emission; 21.25 to 21.45 Mc, using type A–3 emission and narrow band frequency or phase modulation for telephony.

c. Amend § 12.111 (a) (10) to provide as follows:

(10) 220 to 225 Mc using types A0, A1, A2, A3 and A4 emission and special emission for frequency modulation (radio telephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques).

d. Amend § 12.111 (a) by renumbering subparagraphs in numerical sequence in accordance with the foregoing addition and deletion.

[F. R. Doc. 53–1295; Filed, Feb. 6, 1953; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666, Order 9]

PARTS 71–78 EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of January 1953.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921, (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend Commodity List (15 F. R. 8265, 8266, 8271, 8272, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine:	Oxy. M	73.217	Yellow	100 pounds.
Cyanide of calcium or cyanide of calcium mixtures, solid.	Pois. B	73.370 (c) and (d)	Poison	200 pounds.
Cyclopropane	F. G	73.302, 73.308	Red Gas	300 pounds.
Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M	73.217	Yellow	100 pounds.
*Sodium sulfide	F. S	73.153, 73.207	Yellow	300 pounds.
(Add)				
**Polymerizable materials*	See § 73.21 (b)			
Sulfuryl chloride	Cor. L	73.244, 73.247	White	1 quart.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.21 (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.21, 1950 Rev.) to read as follows:

§ 73.21 *Prohibited packing.* (a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials is prohibited for transportation by common carriers by rail freight, rail express, highway, or water, except as specified in §§ 73.152 (a), 73.242 (a), (b) and 73.301 (a).

(b) The offering for transportation of any package or container of any liquid, solid, or gaseous material which under

conditions incident to transportation may polymerize (combine or react with itself) so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

2. Amend § 73.31 paragraph (c) (15 F. R. 8278, Dec. 2, 1950) (49 CFR 73.31, 1950 Rev.) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(c) For repairs to forge-welded tanks of ICC–105A (§§ 78.271 to 78.274 of this chapter) series, or fusion-welded tanks of ICC–W (§§ 78.280 to 78.289 of this chapter) series, or equipment therefor, requiring welding, the owner of the tank, or party authorized by the owner, must secure approval of such repairs from the Association of American Railroads' committee on tank cars. Fusion welds for repairs must be performed, inspected, and tested in the manner described by currently effective specification for the class of tank concerned, or the specification under which the tank was originally constructed, except that local stress-relieving is permitted when approved by the Association of American Railroads' committee on tank cars. X-raying and stress-relieving are required and must be done in an approved manner. Calking of welded joints is prohibited. Tanks must be retested, as prescribed in paragraph (g) of this section, before being returned to service. For repairs to forge-welded tanks of ICC–105A series, or fusion-welded tanks of ICC–W classes, involving hot or cold working of the shell to restore contours as near as practicable to original design and construction, the owner of the tank, or party authorized by the owner, must render a detailed report of such repairs to the Secretary, Mechanical Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

3. Amend § 73.56 paragraphs (c) and (d) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.56, 1950 Rev.) to read as follows:

§ 73.56 *Ammunition, projectiles, grenades, bombs, mines and torpedoes.* * * *

(c) Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.

(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, and incendiary grenades, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, bouchons or ignition elements must not be assembled in these articles unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. (See §§ 73.190, 73.330, 73.350, and 73.383 for nonexplosive chemical or poisonous ammunition.)

* * * * *

4. Amend § 73.61 paragraph (e) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.61, 1950 Rev.) to read as follows:

§ 73.61 *High explosives.* * * *

(e) Bags shall be made of strong paper or equally efficient material so treated or of such nature that it will not absorb the liquid ingredient of the explosive.

* * * * *

5. Amend § 73.62 paragraph (a) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.62, 1950 Rev.) to read as follows:

§ 73.62 *High explosives, liquid.* (a) Liquid explosives as defined in § 73.53 (e) must be packed in specification containers as follows:

(1) Spec. 15L (§ 78.176 of this chapter). Wooden boxes which must be plainly marked on top and on one side or end "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes must be marked "This Side Up".

(2) Spec. MC–200 (§ 78.315 of this chapter). Motor vehicle container.

* * * * *

6. Amend § 73.63 paragraphs (d) (2) and (f) (17 F. R. 1559, Feb. 20, 1952) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(d) * * *

(2) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of fiberboard boxes not to exceed 65 pounds.

* * * * *

(f) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes except those made in compliance with spec. 23G, must be marked "This Side Up".

* * * * *

7. Amend § 73.64 paragraph (b) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.64, 1950 Rev.) to read as follows:

§ 73.64 *High explosives with no liquid explosive ingredient.* * * *

(b) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height.

* * * * *

8. Amend § 73.65 paragraph (i) (15 F. R. 8290, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* * * *

(i) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes, except those referred to in paragraph (a) (1) to (7) of this section, must be marked "This Side Up".

* * * * *

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

9. Amend § 73.119, introductory text of paragraph (a), introductory text of paragraph (b) and (b) (1) (15 F. R. 8298, 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for*—(a) *Flammable liquids with flash point 20° F. or below.* Flammable liquids with flash point 20° F. or below and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids, paragraphs (j) to (l) of this section for viscous liquids, and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

* * * * *

(b) *Flammable liquids with flash point above 20° F. to 80° F.* Flammable liquids with flash point above 20° F. to 80° F. and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

(1) Containers as specified in paragraph (a) of this section, except that openings greater than 2.3 inches in diameter in barrels and drums are authorized when permitted by the specification, and also the following.

* * * * *

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

10. Amend § 73.154, introductory text of paragraph (a) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) Flammable solids and oxidizing materials, as defined in §§ 73.150 and 73.151, other than those for which special packing requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

* * * * *

11. Amend § 73.158 paragraph (a) (4) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.158) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) * * *

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 boxes may be more than 65 but not more than 70 pounds provided net weight of contents does not exceed 50 pounds.

* * * * *

12. Amend § 73.217 introductory text of paragraph (a) (16 F. R. 11778. Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* (a) Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine, and lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine must be packed in specification containers as follows:

* * * * *

13. Amend § 73.233 paragraphs (a) (1) and (a) (2) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.233) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) * * *

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, securely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, sccurely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

* * * * *

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

14. Amend § 73.245 introductory text of paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) Acids or other corrosive liquids, as defined in § 73.240, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

* * * * *

15. Amend § 73.247 introductory text of paragraph (a), (a) (10) and add paragraph (a) (13) (15 F. R. 8313, 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride, must, except as indicated, be packed in specification containers as follows:

* * * * *

(10) Spec. 5K (§ 78.88 of this chapter). Nickel drums, authorized for acetyl chloride, benzyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

* * * * *

(13) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars, nickel clad at least 10 percent, authorized for acetyl chloride, benzyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

16. Add paragraphs (a) (8) and (a) (9) to § 73.249 and amend paragraph (b) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) * * *

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of glass, polyethylene, or other material resistant to lading, having capacity not over 16 ounces each.

(9) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene having capacity not over 1 gallon each.

(b) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by rail express must be packed in specification containers as follows:

(1) In containers as prescribed in paragraph (a) (8) and (9) of this section.

(2) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, capacity not exceeding 10 gallons, with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, 78.190 of this chapter). Wooden boxes with metal cans not over 2 gallons each.

* * * * *

17. Amend § 73.250 Introductory text of paragraph (a) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.250, 1950 Rev.) to read as follows:

§ 73.250 *Automobiles or other self-propelled vehicles.* (a) Automobiles or other self-propelled vehicles equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking, and labeling requirements as follows: (See also § 73.257 (b).)

* * * * *

18. Add paragraphs (a) (8), (b) and (b) (1) to § 73.257 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(8) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums (single-trip).

(b) Shipments of electrolyte (acid) or corrosive battery fluid with self-propelled motor vehicles offered for transportation by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government are exempt from Parts 71–78 of this chapter when packed as follows:

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within the self-propelled vehicle that it cannot change position during transit.

19. Amend § 73.263 paragraph (a) (7) and add paragraph (a) (13) (16 F. R. 11778 Nov. 21, 1951) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) * * *

(7) Spec. 1D, 1E, or 1EX (single-trip) (§§ 78.4, 78.7, or 78.6 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated total pressure in bottle shall not exceed 10 p. s. i. gauge at 130° F. or shall vent at a pressure not to exceed 10 p. s. i. gauge.

* * * * *

(13) Spec. 1G (§ 78.11 of this chapter). Polyethylene carboys in plywood or wooden boxes.

* * * * *

20. Amend § 73.264 paragraph (a) (16) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.264) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * *

(16) Spec. 1F or 1G (§§ 78.10 or 78.11 of this chapter). Polyethylene carboys in plywood boxes or drums, or wooden boxes. Authorized for acid not over 60 percent strength.

* * * * *

21. Amend § 73.271 paragraph (a) (9) (17 F. R. 7282, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.271) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * *

(9) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Spec. 103A tanks must be of steel at least 10 percent nickel clad and Spec. 103A–W tanks must be of steel at least 20 percent nickel clad.

* * * * *

22. Amend § 73.289 paragraph (a) (4) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(4) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

23. Amend § 73.312 paragraph (a) (1) (17 F. R. 9943, Nov. 4, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.312) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) * * *

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (e) may be used.

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

24. Amend § 73.346 introductory text of paragraph (a) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) Poisonous liquids as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

* * * * *

25. Amend § 73.364 introductory text of paragraph (a) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except cyanides, other than as specified in § 73.370 (b) and § 73.370 (d), and beryllium metal powder, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

* * * * *

26. Amend § 73.365 introductory text of paragraph (a) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.365, 1950 Rev.) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) Poisonous solids, as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

* * * * *

27. Amend § 73.370 introductory text of paragraph (a), (a) (1), introductory text of paragraph (b), (b) (1) and (b) (2) and add paragraphs (c) and (d) (16 F. R. 9379, Sept. 15, 1951) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) Cyanides, or cyanide mixtures (see paragraph (b) of this section for exemptions), except cyanide of calcium and mixtures thereof (see paragraph (c) of this section for packing requirements and paragraph (d) of this section for exemptions), if containing the cyanogen equivalent of 10 percent or more of potassium cyanide, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F, or in glass bottles not over 5 pounds capacity each.

* * * * *

(b) *Cyanides, except cyanide of calcium and mixtures thereof; exemptions.* Cyanides, except cyanide of calcium and mixtures thereof (see paragraph (d) of this section), when packed and described as follows are exempt from specification packaging and labeling requirements:

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, or metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

(2) Cyanide mixtures in tightly closed glass, earthenware, or metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 5 pounds.

* * * * *

(c) *Cyanide of calcium and mixtures thereof.* Cyanide of calcium and mixtures thereof must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this section.

(2) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F, not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F (§ 78.25 of this chapter).

(d) *Cyanide of calcium and mixtures thereof; exemptions.* Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from specification packaging and labeling requirements:

(1) Cyanide of calcium and mixtures thereof in tightly closed metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide of calcium or mixtures thereof in any outside container, not over 25 pounds.

(2) Cyanide of calcium or mixtures thereof in tightly closed metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide of calcium or mixtures thereof in any outside container, not over 5 pounds.

PART 74—CARRIERS BY RAIL FREIGHT

1. Amend the headnote and introductory text of paragraph (a) and (a) (2) of § 74.506 (15 F. R. 8345, Dec. 2, 1950) (49 CFR 74.506, 1950 Rev.) to read as follows:

§ 74.506 *Improperly packed or damaged shipments in transportation.* (a) For the protection of the public against fire, explosion, or other, or further hazard with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any carrier by railroad, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention:

* * * * *

(2) Railroad wrecks or accidents involving damage to containers of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588.)

* * * * *

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

2. Amend § 74.525 paragraph (b) (9) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.525, 1950 Rev.) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* * * *

(b) * * *

(9) When packages of explosives are to be loaded over exposed draft bolts or king bolts, these bolts must have pieces of sound wood with beveled ends spiked to the floor over them (or empty wooden boxes of the same character as those used for the explosive may be used for this purpose) to prevent possibility of the bolts causing damage to the packages of explosives. Metal floor plates must be completely covered with wood, plywood, or fiber or composition sheets of adequate thickness and strength to prevent contact of the floor plates with the packages of explosives under conditions incident to transportation, except that the covering of metal floor plates is not necessary for carload shipments loaded by the Departments of the Army, Navy, or Air Force of the United States Government provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion.

* * * * *

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.660 paragraph (a) (3) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 75.660, 1950 Rev.) to read as follows:

§ 75.660 *Violations and accidents or fires must be reported.* (a) * * *

(3) Accidents or fires in connection with the transportation or storage on express or railway property of explosives or other dangerous articles. (See § 74.588 of this chapter.)

PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

1. Amend § 76.701 paragraph (a) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 76.701, 1950 Rev.) to read as follows:

§ 76.701 *Application.* (a) Parts 71–78 of this chapter apply to all shipments in rail baggage service of dangerous articles as prescribed in this part. Shipments of explosives, other than small arms ammunition, or any dangerous articles, except as provided in this part, must not be accepted for transportation in rail baggage service. The Commission will make provision as occasion and safety may require for dangerous articles other than those described in this part. Carriers engaged in interstate or foreign commerce must make the regulations in this part effective and must provide for the thorough instruction of their employees.

2. Amend § 76.707 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 76.707, 1950 Rev.) to read as follows:

§ 76.707 *Reporting violations and accidents or fires.* (a) Serious violations of the regulations in Parts 71–78 of this chapter, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on railway property of explosives or other dangerous articles, must be reported promptly by the rail carrier in baggage service to the Bureau of Explosives, 30 Vesey Street, New York, N. Y. (See § 74.588 of this chapter.)

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIER BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

Amend the headnote and introductory text of paragraph (a) and (a) (2) of § 77.807 (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.807, 1950 Rev.) to read as follows:

§ 77.807 *Improperly packed or damaged shipments in transportation* (a) For the protection of the public against fire, explosion, or other, or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common or contract carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

* * * * *

(2) Motor carrier accidents involving damage to container of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588 of this chapter.)

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend headnote of § 78.6, § 78.6–9 paragraph (a) and § 78.6–10 entire paragraph (d) (15 F. R. 8377, 8378, Dec. 2, 1950) (49 CFR 78.6, 78.6–9, 78.6–10, 1950 Rev.) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.* Single trip container.

* * * * *

§ 78.6–9 *Marking of outside container for use.* (a) Each outside container must also be plainly marked "Single-Trip Container" just above or below the mark specified in § 78.6–8 (a) (1) of this section.

§ 78.6–10 *Tests.* * * *

(d) *When required.* By each manufacturing and each filling plant; during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside containers).

(2) Packages differing in kind of cushioning.

* * * * *

2. Add §§ 78.11 to 78.11–7 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.11, 1950 Rev.) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

§ 78.11–1 *Compliance.* (a) Required in all details.

§ 78.11–2 *Capacity and marking of carboy.* (a) Containers 5 to 16½ gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, and month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.11–3 *Polyethylene carboys.* (a) Carboys shall be fabricated from polyethylene of virgin quality and having no plasticisers or additives. Carboys must have a minimum weight and wall thickness after forming in accordance with the following table:

Marked capacity (not over)	Minimum wall thickness	Minimum weight of polyethylene carboy
Gallons	*Inch*	*Pounds*
8	0.125	8
15	.125	11½

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Each polyethylene carboy as manufactured shall be subjected to at least 7 pounds per square inch air pressure during which time all seams must be examined for leakage by application of soap suds or heavy oil, or submerged under water. Containers which show leakage in this test must be repaired in a workmanshiplike manner, after which they must be retested and show no leakage.

§ 78.11–4 *Outside containers.* (a) Wooden boxes, or glued-plywood boxes of not less than three plies, completely enclosing body and neck of carboy or completely enclosing the body of the carboy, shall be constructed in such manner and so formed that inside container cannot permanently change position and be of sufficiently strong wood or plywood to withstand prescribed tests without serious rupture of box or damage to inside container.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Plywood sections used in construction of this container shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

§ 78.11–5 *Approval.* (a) Specifications for the outside container and inner carboy must be filed with and approved by the Bureau of Explosives.

§ 78.11–6 *Marking of outside container.* (a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with pressure dies as follows:

(1) ICC–1G. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its

compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

§ 78.11–7 *Tests.* (a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with the 6-inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side-wall.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

3. Amend § 78.90–10 introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.90–10, 1950 Rev.) to read as follows:

§ 78.90 *Specification 5M; monel drums.*

* * * * *

§ 78.90–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter, as follows:

* * * * *

4. Amend § 78.117–8 paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–8, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

* * * * *

§ 78.117–8 *Rolling hoops and convex heads.* (a) Rolling hoops to be expanded. Alternate use of I-bar hoops authorized.

* * * * *

5. Amend § 78.125–4 paragraph (a) Table (15 F. R. 8451, Dec. 2, 1950) (49 CFR 78.125–4, 1950 Rev.) to read as follows:

§ 78.125 *Specification 37D; steel drums.*

* * * * *

§ 78.125–4 *Weight of sheets.* (a) * * *

Gage, United States Standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	2½
26	.750	2½

6. Amend § 78.127–5 (17 F. R. 4297, May 10, 1952) (15 F. R. 8452, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 78.127–5) to read as follows:

§ 78.127 *Specification 37F; steel drums.*

* * * * *

§ 78.127–5 *Parts and dimensions.* (a) Parts and dimensions as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the blaek (gage, United States Standard)	
				Body sheet	Head sheet
55	80	Straight side	No	26	26
	160	do	No	26	26
	425	do	No	24	24
	480	do	Yes	24	24
	880	do	Yes	22	22

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

7. Amend § 78.218–10 introductory text of paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–10, 1950 Rev.) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.*

* * * * *

§ 78.218–10 *Marking.* (a) On each container by symbol as follows:

ICC–23G * * *

* * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

8. Amend § 78.277 entire paragraph ICC–3 (c) (15 F. R. 8501, Dec. 2, 1950) (49 CFR 78.277, 1950 Rev.) to read as follows:

§ 78.277 *Specification for tank cars having seamless steel tanks Class ICC–107A.* * * *

ICC–3. *Thickness of wall.* * * *

ICC–3. (c) Measure at one end, in a plane perpendicular to the longitudinal axis of the tank and at least 18 inches from that end before necking down—

d = Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch.

t = Minimum thickness of wall for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D = d + 2t$.

Calculate the value of $\frac{D^2 - d^2}{D^2 + d^2}$

Make similar measurements and calculation for a corresponding location at the other end of the tank.

Use the smaller result obtained, from the foregoing, in making calculation prescribed in paragraph ICC–3 (b).

9. Amend § 78.280 paragraph AAR–6 (j–13) (15 F. R. 8507, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks Class ICC–103–W.* * * *

AAR–6. *Nondestructive tests.* (j–1) * * *

AAR–6. (j–13). A complete set of radiographs for each tank shall be retained for not less than 10 years by the tank builder or by the car owner if he so requests.

* * * * *

10. Amend § 78.291 paragraph AAR–6 (j–13) (16 F. R. 5332, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 78.291) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* * * *

AAR–6. *Nondestructive tests.* (j–1) * * *

AAR–6. (j–13) A complete set of radiographs for each tank shall be retained for not less than 10 years by the tank builder or by the car owner if he so requests.

* * * * *

11. Amend § 78.293 paragraph AAR–5 (j–13) (16 F. R. 5768, June 16, 1951) (16 F. R. 5337, June 6, 1951) (49 CFR 1950 Rev., 1952 Supp., 78.293) to read as follows:

§ 78.293 *Specification for tank cars having metallic arc fusion-welded steel tanks Class ICC–110A–500–W.* * * *

AAR–5. *Nondestructing tests.* (j–1) * * *

AAR–5. (j–13) A complete set of radiographs for each tank shall be retained for not less than 10 years by the tank builder or by the car owner if he so requests.

* * * * *

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on April 27, 1953 and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1285; Filed, Feb. 6, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS AND OBJECTIONS TO PROPOSED PREVAILING MINIMUM WAGE FOR WOOLEN AND WORSTED INDUSTRY

On January 27, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 575) of the proposed prevailing minimum wage determination of the Secretary of Labor for the Woolen and Worsted Industry. The notice provided a period of 30 days for filing of exceptions and objections to such proposed determination.

Upon request of interested parties and for good cause shown the time for filing exceptions and objections is hereby extended to March 13, 1953.

Signed at Washington, D. C., this 4th day of February 1953.

MARTIN P. DURKIN,
Secretary of Labor.

[F. R. Doc. 53-1315; Filed, Feb. 6, 1953; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6446]

GLACIER COUNTY ELECTRIC COOPERATIVE, INC., AND MARIAS RIVER ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA, AND RELEASING PERMIT

FEBRUARY 3, 1953.

Notice is hereby given that on January 29, 1953, the Federal Power Commission issued its order entered January 27, 1953, in the above-entitled matter, authorizing transmission of electric energy to Canada, and releasing Presidential Permit in Docket No. E-6447.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1287; Filed, Feb. 6, 1953; 8:46 a. m.]

[Docket No. E-6470]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION OF SECURITIES

FEBRUARY 3, 1953.

Notice is hereby given that on January 28, 1953, the Federal Power Commission issued its order entered Janary 27, 1953, authorizing acquisition of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doo. 53-1288; Filed, Feb. 6, 1953; 8:46 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 3, 1953.

Notice is hereby given that on January 30, 1953, the Federal Power Commission issued its order entered January 29, 1953, modifying order (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1289; Filed, Feb. 6, 1953; 8:46 a. m.]

[Docket Nos. G-1940, G-2046]

OHIO VALLEY GAS CORP. AND TENNESSEE GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 3, 1953.

In the matters of Ohio Valley Gas Corporation, Docket No. G-1940; and Tennessee Gas Pipe Line Company, Docket No. G-2046.

Notice is hereby given that on January 28, 1953, the Federal Power Commission issued its orders entered January 27, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1290; Filed, Feb. 6, 1953; 8:46 a. m.]

[Docket No. G-2103]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF ORDER DENYING APPEAL FROM SECRETARY'S REJECTION OF APPLICATION

FEBRUARY 3, 1953.

Notice is hereby given that on January 16, 1953, the Federal Power Commission issued its order entered January 15, 1953, denying appeal from Secretary's rejection of application in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1291; Filed, Feb. 6, 1953; 8:46 a. m.]

[Docket No. G-2112]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

FEBRUARY 3, 1953.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed on January 22, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following described natural-gas facilities:

(1) Construct 8.75 miles of 16-inch gas pipeline to replace an existing 10-inch gas pipeline beginning at a point on the discharge of Applicant's Saginaw compressor station in the Southeast Quarter (SE¼) of section 36, Township 27 North, Range 33 West, thence easterly to a point in the Northwest Quarter (NW¼) of section 4, Township 26 North, Range 31 West, all in Newton County, Missouri.

(2) Construct 9.25 miles of 16-inch gas pipeline to replace an existing 10-inch gas pipeline beginning at a point on the discharge of Applicant's Pierce City compressor station in the Northeast Quarter. (NE¼) of section 4, Township 26 North, Range 28 West, thence easterly to a point in the Northeast Quarter (NE¼) of section 1, Township 26 North, Range 27 West, all in Lawrence County, Missouri.

Applicant proposes to utilize said facilities to provide sufficient gas at sufficient pressures to meet peak day demands on its system serving Springfield, Missouri.

The estimated total over-all capital cost of the proposed facilities is $631,000 which Applicant proposes to pay for out of available bank credit under the terms and conditions set forth in Exh. 4, Docket No. G-1968.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1286; Filed, Feb. 6, 1953; 8:45 a. m.]

[Docket No. IT-5331]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO MEXICO

FEBRUARY 3, 1953.

Notice is hereby given that on January 28, 1953, the Federal Power Commission issued its order entered January 27, 1953, authorizing transmission of electric energy to Mexico in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1292; Filed, Feb. 6, 1953; 8:47 a. m.]

[Project No. 479]

MONTANA POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (TRANSMISSION LINE)

FEBRUARY 3, 1953.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 4, 1952, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1293; Filed, Feb. 6, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 31104; No. MC-C-1431 and First Supplemental Order]

CANNED GOODS IN OFFICIAL TERRITORY

REASSIGNING TIME FOR HEARINGS AND PRESCRIBING NEW DUE DATES FOR PERFORMANCE OF CERTAIN ACTS

In the matters of (1) reassigning the time for hearings, and (2) prescribing new due dates for performance of certain acts required under previously prescribed special rules.

It appearing, that by order of December 15, 1952 (18 F. R. 90), (1) hearings were assigned in the above proceedings on March 23, 1953, at Washington, D. C., and (2) special rules were prescribed, directing, among other things, the prehearing interchange of prepared material;

It further appearing, that certain respondents have requested postponement of the date of hearings and corresponding postponement of the due dates for the performance of certain acts required under said special rules, and that certain shippers have requested said rules be amended so as to provide for a separate date for the submission of their initial testimony and exhibits, later than the submission date prescribed for the respondents;

And it further appearing, that upon consideration of the record, and good cause appearing therefor:

It is ordered, That the said hearings on March 23, 1953, be, and they are hereby, cancelled, and that the proceedings be, and they are hereby reassigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., at 8:30 o'clock a. m., United States Standard Time (9:30 o'clock a. m., D. C. Daylight Saving Time), on April 28, 1953, before Examiner Oren G. Barber;

It is further ordered, That Rule 1 of the special rules entered herein by order of December 15, 1952 (18 F. R. 90), be, and it is hereby, superseded by the following Rule 1 which shall be applicable in lieu thereof:

1. *Prepared statement interchange before hearing.* The parties shall prepare in writing all evidence in chief of their witnesses and serve upon all the other parties, shown in the list issued pursuant to Rule 3 hereof, copies thereof together with any exhibits they intend to offer in evidence. Such testimony and exhibits shall be served by all respondents on or before March 23, 1953, and by all intervening shippers and other interveners on or before April 3, 1953. The filing and serving of all testimony and exhibits in rebuttal of such direct evidence shall be made by all parties on or before April 17, 1953. A copy of all testimony and exhibits shall also be mailed to the examiner. No other copies thereof need be filed with the Commission prior to hearing.

It is further ordered, That new due dates as set out below be, and they are hereby, prescribed for the performance of certain acts in lieu of indicated old due dates as follows:

Rule No.	Due dates (1953) Old	Due dates (1953) New	Performance subject matter
2	Feb. 17 or Mar. 6.	Apr. 3 or Apr. 17.	Determinative dates for the filing of petitions of intervention 7 days prior thereto.
5	Mar. 16	Apr. 22	Request for cross examination.

It is further ordered, That except as herein modified the said order of December 15, 1952, shall remain in full force and effect;

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 29th day of January A. D. 1953.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1284; Filed, Feb. 6, 1953; 8:45 a. m.]

[4th Sec. Application 27770]

PIPE FROM GALVESTON, HOUSTON AND ORANGE, TEX., TO MICHGIAN AND WISCONSIN

APPLICATION FOR RELIEF

FEBRUARY 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Steel or wrought iron pipe, carloads.

From: Galveston, Houston, and Orange, Tex.

To: Points in Michigan and Wisconsin.

Grounds for relief: Rail competition and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 198.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1283; Filed, Feb. 6, 1953; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[467.2]

MUSTARD SEEDS

TARIFF CLASSIFICATION

FEBRUARY 3, 1953.

In the matter of notice of prospective classification of mustard seeds not used for spice purposes.

It appears probable that certain types of mustard seed are properly classifiable under paragraph 764, Tariff Act of 1930, as garden or field seeds, not specially provided for, at a rate of duty higher than that heretofore assessed under an established and uniform practice. The types of mustard seed referred to are as follows: Chinese broadleaf mustard, Chinese smoothleaf mustard, Florida broadleaf mustard, fordhook mustard, fordhook fancy mustard, southern giant curled mustard (both ordinary and long-standing varieties), old fashion mustard, and tendergreen mustard.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)) notice is hereby given that the existing uniform practice of classifying such merchandise as a spice under paragraph 781, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 53-1297; Filed, Feb. 6, 1953; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 27

Washington, Tuesday, February 10, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10434

SUSPENSION OF WAGE AND SALARY CONTROLS UNDER THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

WHEREAS the production of materials and services and the demand therefor in the national economy are approaching a practicable balance; and

WHEREAS the earliest possible return to freedom of collective bargaining in the determination of wages will serve to strengthen the national economy and thereby the national security; and

WHEREAS the stabilization of wages, salaries, and other compensation is not now necessary to carry out the purposes of the Defense Production Act; and

WHEREAS, in view of the foregoing, it is appropriate to permit adjustments of wages, salaries, and other compensation arrived at through the processes of free collective bargaining or other voluntary action to become effective:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, as amended, and as President of the United States, it is hereby ordered as follows:

1. All regulations and orders issued pursuant to the Defense Production Act of 1950, as amended, stabilizing wages, salaries, and other compensation, are hereby suspended.

2. The wage, salary, and other compensation adjustments proposed in petitions pending before wage and salary control agencies may now be placed in effect without the approval of such agencies. To the extent that agreements involved in such petitions are conditioned upon approval under Title IV of the Defense Production Act, this order shall be deemed such approval, but such approval shall be subject to paragraph 3 hereof.

3. This order shall not operate to defeat any suit, action, prosecution, or administrative enforcement proceeding, whether heretofore or hereafter commenced, with respect to any right, liability, or offense possessed, incurred, or committed, prior to this date.

DWIGHT D EISENHOWER

THE WHITE HOUSE,
February 6, 1953.

[F. R. Doc. 53-1378; Filed, Feb. 6, 1953; 12:45 p. m.]

EXECUTIVE ORDER 10435

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1945 to 1952, inclusive, shall, during the Eighty-third Congress, be open to inspection by the Senate Committee on Government Operations or the duly authorized subcommittee thereof in connection with its studies of the operation of Government activities at all levels with a view to determining its economy and efficiency, subject to the conditions stated in the Treasury decision[1] relating to the inspection of such returns by that Committee, approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D EISENHOWER

THE WHITE HOUSE,
February 6, 1953.

[F. R. Doc. 53-1392; Filed, Feb. 6, 1953; 5:09 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5909]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARGENTUM LABORATORIES

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.235 *Source or origin: Domestic product as imported;* § 3.240 *Special or limited offers.* Subpart—*Misbranding or mislabeling:* § 3.1325 *Source or origin: Domestic product as imported.*

[1] See Title 26, Chapter I, Part 458, *infra.*

(Continued on p. 811)

CONTENTS

THE PRESIDENT

Executive Orders Page

Inspection of income, excess-profits, declared value excess-profits, capital stock, estate, and gift tax returns by the Senate Committee on Government Operations 809

Suspension of wage and salary controls under the Defense Production Act of 1950, as amended 809

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Air Force Department

Alaska; withdrawing public land for use of the Department for military purposes (*see* Land Management, Bureau of).

Alien Property, Office of

Notices:
Vesting orders, etc.:
Anxionnas, Rene 840
Appolini, Gisella, et al 839
Cahn, Emma 839
Peirolo, Mattia and Maria 839
Salvucci, Laura 839

Civil Aeronautics Administration

Rules and regulations:
Standard instrument approach procedures; alterations 814

Commerce Department

See Civil Aeronautics Administration; International Trade, Office of.

Customs Bureau

Notices:
Certain field officers, Customs Service; delegation of authority to administer oaths and to designate customs officers and employees under their supervision to administer oaths 832

Defense Department

Rules and regulations:
Armed Services procurement regulation:
Foreign purchases 820
Interdepartmental procurement 820

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of Page
Rules and regulations:
Establishing position of Assistant Director for Production__ 821

Economic Stabilization Agency
See also Price Stabilization, Office of; Salary Stabilization Board; Wage Stabilization Board.
Notices:
Organization and functions of the Office of the Economic Stabilization Administrator__ 835

Federal Communications Commission
Notices:
Hearings, etc.:
Harbenito Broadcasting Co. (KGBS) _____ 832
Head of the Lakes Broadcasting Co. et al_____ 832
Tisdale, James M. (WVCH)__ 832
Proposed rule making:
Public radio-communications services (other than maritime mobile); frequency tolerances_____ 831

CONTENTS—Continued

Federal Communications Commission—Continued Page
Proposed rule making—Continued
Radio broadcast services; table of television channel assignments (2 documents)_____ 830, 831
Theatre television service_____ 829
Rules and regulations:
Stations in the maritime service:
On land_____ 827
On shipboard_____ 827

Federal Power Commission
Notices:
Hearings, etc.:
El Paso Natural Gas Co_____ 833
Hulswit, Charles L_____ 834
Willmut Gas & Oil Co. et al___ 833
Rules and regulations:
Statements and reports (schedules); prescribing filing of monthly statement of operating revenues and income for natural gas companies (classes A and B), F. P. C. Form No. 11, revised_____ 813

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Argentum laboratories_____ 809
Home Arts_____ 812

Fish and Wildlife Service
Rules and regulations:
Hunting and possession of wildlife; migratory birds and certain game mammals; order permitting killing of waterfowl or coot in agricultural areas of California_____ 828

Interior Department
See also Fish and Wildlife Service; Land Management, Bureau of.
Notices:
Alaska; notice for filing objections to order withdrawing public land for use of Department of the Air Force for military purposes_____ 834

Internal Revenue Bureau
Rules and regulations:
Inspection of returns; inspection of income, excess-profits, declared value of excess-profits, capital stock, estate, and gift tax returns by the Senate Committee on Government Operations_____ 819

International Trade, Office of
Notices:
Dudek, Marion; order terminating suspension order and restoring export privileges____ 832

Interstate Commerce Commission
Notices:
Applications for relief:
Alcoholic liquors within official territory_____ 839
Coffee from North Atlantic ports to Bruceton and Rook, Pa_____ 838
Motor-rail-motor rates between:
Boston, Mass., and Harlem River, N. Y_____ 838
Points in the East_____ 838

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Motor-rail-motor rates between—Continued
Providence, R. I., and Harlem River, N. Y_____ 839
Syrup from East St. Louis, Ill., to Boston, Mass., New York, N. Y., and Philadelphia, Pa_ 838

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
Alaska; withdrawing public land for use of Department of the Air Force for military purposes_____ 827

Price Stabilization, Office of
Notices:
Certain fields in Wyoming; crude petroleum ceiling prices adjusted on an in-line basis__ 837
Chrysler Corp.; approval of additions attached to letter to dealers, dated January 27, 1953_____ 836
General Motors Corp.:
Adjustment of hourly labor rate for labor warranty services furnished on certain products_____ 837
Approval of additions attached to letter to dealers, dated January 26, 1953____ 836
Ceiling prices for wholesale labor warranty services on Model ARO–33 and Model ARO–75 air conditioners__ 835
"Cold Wall" Frigidaire refrigerators; charges for services furnished by dealers in replacing units_____ 836
Rules and regulations:
Certain producers of bolts, nuts, screws and rivets; revision of period during which uniform price relationship must have been maintained (CPR 118, SR 1)_____ 821
Excepted services (GOR 14):
Additional excepted services_ 825
Towing services performed by tug and barge operators within single harbor area or between adjoining harbor areas_____ 825
Exemptions and suspensions of certain:
Consumer durable goods and related commodities; additional exemptions (GOR 5)_____ 823
Consumer soft goods; exemption of previously suspended commodities and additional exemptions (GOR 4)_____ 822
Food and restaurant commodities; livestock, meats, fish, restaurants and distribution regulations (GOR 7)_____ 823
Exemptions of certain rubber, chemical and drug commodity transactions; legume seed inoculants (GOR 3, Rev. 1)__ 824

CONTENTS—Continued

Price Stabilization, Office of—Continued Page

Rules and regulations—Continued
- Paper, paperboard, converted paper and paperboard products, allied products and services; exemption of sales of pulpwood procurement subsidiary to its parent company (GOR 8) ---- 824

Production and Marketing Administration

Proposed rule making:
- Milk handling in Springfield, Mo., marketing area ---- 828

Securities and Exchange Commission

Notices:
Hearings, etc.:
- Merck & Co., Inc., and Texas Pacific Coal and Oil Co ---- 834
- Middle South Utilities, Inc., and Mississippi Power & Light Co ---- 834

Salary Stabilization Board

Rules and regulations:
- Suspension of wage and salary controls ---- 826

Treasury Department

See Customs Bureau; Internal Revenue Bureau.

Veterans' Administration

Rules and regulations:
- Vocational rehabilitation and education; registration and research; determination of subsistence allowance and other criteria respecting institutional on-farm training ---- 826

Wage Stabilization Board

Rules and regulations:
- Suspension of wage and salary controls ---- 826

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter II (Executive orders):
- 10434 ---- 809
- 10435 ---- 809

Title 7

Chapter IX:
- Part 921 (proposed) ---- 828

Title 14

Chapter II:
- Part 609 ---- 814

Title 16

Chapter I:
- Part 3 (2 documents) ---- 809, 812

Title 18

Chapter I:
- Part 260 ---- 813

Title 26

Chapter I:
- Part 458 ---- 819

CODIFICATION GUIDE—Con.

Title 32 Page

Chapter IV:
- Part 404 ---- 820
- Part 405 ---- 820

Title 32A

Chapter I (ODM):
- DMO 25 ---- 821

Chapter III (OPS):
- CPR 11 (see GOR 7) ---- 823
- CPR 22, SR 15 (see GOR 7) ---- 823
- CPR 23 (see GOR 7) ---- 823
- CPR 24 (see GOR 7) ---- 823
- CPR 25 (see GOR 7 ---- 823
- CPR 26 (see GOR 7) ---- 823
- CPR 65 (see GOR 7) ---- 823
- CPR 74 (see GOR 7) ---- 823
- CPR 78 (see GOR 7) ---- 823
- CPR 78, SR 1 (see GOR 7) ---- 823
- CPR 78, SR 2 (see GOR 7) ---- 823
- CPR 79 (see GOR 7) ---- 823
- CPR 85 (see GOR 7) ---- 823
- CPR 92 (see GOR 7) ---- 823
- CPR 101 (see GOR 7) ---- 823
- CPR 109 (see GOR 7) ---- 823
- CPR 118, SR 1 ---- 821
- CPR 129 (see GOR 7) ---- 823
- CPR 134 (see GOR 7) ---- 823
- DPR 1 (see GOR 7) ---- 823
- DR 1 (see GOR 7) ---- 823
- DR 2 (see GOR 7) ---- 823
- DR 3 (see GOR 7) ---- 823
- GCPR, SR 34 (see GOR 7) ---- 823
- GCPR, SR 43 (see GOR 7) ---- 823
- GCPR, SR 47 (see GOR 7) ---- 823
- GCPR, SR 54 (see GOR 7) ---- 823
- GCPR, SR 61 (see GOR 7) ---- 823
- GCPR, SR 65 (see GOR 7) ---- 823
- GCPR, SR 79 (see GOR 7) ---- 823
- GOR 3 ---- 824
- GOR 4 ---- 822
- GOR 5 ---- 823
- GOR 7 ---- 823
- GOR 8 ---- 824
- GOR 14 (2 documents) ---- 825

Chapter IV ---- 826

Title 38

Chapter I:
- Part 21 ---- 826

Title 43

Chapter I:
Appendix (Public land orders):
- 883 ---- 827

Title 47

Chapter I:
- Part 2 (proposed) ---- 829
- Part 3 (proposed) (3 documents) ---- 829–831
- Part 6 (proposed) ---- 831
- Part 7 ---- 827
- Part 8 ---- 827

Title 50

Chapter I:
- Part 6 ---- 828

Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2000 *Limited offers or supply.* Subpart—*Using misleading name—Goods:* § 3.2345 *Source or origin: Domestic product as imported.* In connection with the offering for sale, sale and distribution of perfumes and toilet waters in commerce, (1) using the words "Greetings from Paris," or a picture of the Eiffel Tower or any picturization indicative of France, in advertising products not compounded in France; or otherwise representing, directly or by implication, that such products are compounded in or imported from France; (2) using the words "Parfum du Soir", "Danse Apache," "Bois de Rose," "Jasmin Fleurage," "Feuille de Violette," "Eau D'Or," "Bailer Defendu," "Cyclamen des Alpes," "Oeillet," "Muguet de Mai" or "The Old French Glory," or any other words indicating French origin, as brand or trade names for perfumes or toilet waters compounded in the United States, without clearly and conspicuously stating, in immediate connection and conjunction therewith, that such products are compounded in the United States; (3) representing that any offer of products at a stated price must be accepted within a certain time, unless such offer is in fact so limited; (4) using the word "free" or any other word of similar import to designate, describe or refer to any product or to any ingredient contained therein which is not in fact a gift or gratuity, or the receipt of which is conditioned on the purchase of other products; (5) representing that products contain gold, unless substantial amounts of gold are in fact contained therein; or, (6) representing that the gold content in respondent's products prolongs the fragrance thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and Desist order, George Altstadter trading as Argentum Laboratories, Philadelphia, Pa., Docket 5909, Nov. 6, 1952]

In the Matter of George Altstadter Trading as Argentum Laboratories

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of said complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answer thereto, testimony and other evidence, the filing of proposed findings and conclusions having been waived and oral argument not having been requested; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following respondent's appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Respondent's Appeal from Initial Decision of the Hearing Examiner, Decision of the Commission and Order to File Report of Compliance," dated November 7, 1952, as follows:

This matter came on to be heard by the Commission upon the respondent's

[1] Filed as part of the original document.

appeal from the hearing examiner's initial decision herein and brief in opposition thereto filed by counsel in support of the complaint (oral argument not having been requested).

Respondent in his appeal specifically objects only to that portion of the order contained in the initial decision which prohibits him from stating that his perfume contains gold unless it contains a substantial amount of gold. Respondent contends that the perfume so represented does, in fact, contain gold, that it is a vital part of his formula and that the fact it is present in small quantities is immaterial. The record shows that respondent considers the gold to act as a fixative in his perfume.

A consideration of respondent's advertisements in the record shows that they clearly imply that his perfume contains a substantial quantity of gold. Three members of the public, who had received certain of respondent's advertisements through the mail, testified that in their opinion a substantial gold content was implied by his advertisements.

An analysis of samples of perfume represented by respondent as containing gold was made by a chemist of the National Bureau of Standards who testified that they contained less than two thousandths of a microgram of gold per milliliter, an extremely small amount. This amount is less than the lowest concentration of gold found in sea water. There is no evidence of record indicating that such an infinitesimal concentration of gold has any effect as a fixative or otherwise in perfume. Also, in addition to respondent's claim as to the utility of value of gold in his perfume, the representation that the perfume contains pure gold in itself has an appeal to the purchasing public because of the prestige and intrinsic value of gold. Respondent's representation that perfume contains "Pure 24-Karat Gold" which, in fact, contains gold in such microscopic quantities, is false and deceptive.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the hearing examiner's initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the hearing examiner's initial decision be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 6th day of November, 1952, become the decision of the Commission.

It is further ordered, That the respondent George Altstadter, an individual trading as Argentum Laboratories, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.[1]

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

[1] Filed as part of the original document.

It is ordered, That the respondent, George Altstadter, individually and trading as Argentum Laboratories or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes and toilet waters in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Greetings from Paris," or a picture of the Eiffel Tower or any picturization indicative of France, in advertising products not compounded in France; or otherwise representing, directly or by implication, that such products are compounded in or imported from France.

2. Using the words "Parfum du Soir," "Danse Apache," "Bois de Rose," "Jasmin Fleurage," "Feuille de Violette," "Eau D'Or," "Baiser Defendu," "Cyclamen des Alpes," "Oeillet," "Muguet de Mai" or "The Old French Glory," or any other words indicating French origin, as brand or trade names for perfumes or toilet waters compounded in the United States, without clearly and conspicuously stating, in immediate connection and conjunction therewith, that such products are compounded in the United States.

3. Representing that any offer of products at a stated price must be accepted within a certain time, unless such offer is in fact so limited.

4. Using the word "free" or any other word of similar import to designate, describe or refer to any product or to any ingredient contained therein which is not in fact a gift or gratuity, or the receipt of which is conditioned on the purchase of other products.

5. Representing that products contain gold, unless substantial amounts of gold are in fact contained therein.

6. Representing that the gold content in respondent's products prolongs the fragrance thereof.

Issued: November 7, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 53-1355; Filed, Feb. 9, 1953; 8:51 a. m.]

[Docket 5954]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOME ARTS

Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1680 *Manufacture or preparation;* § 3.1710 *Qualities or properties;* § 3.1735 *Sample, offer, or order conformance: Prices:* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1875 *Nonstandard character of product.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale and distribution in commerce, of respondent's photographic enlargements or reproductions and of frames and glasses therefor, (1) representing, directly or by implication, that the price at which any of respondent's products is offered for sale represents a special, reduced or discounted price, when such price is in fact the customary price at which said product is regularly sold; (2) representing, by any means or in any manner, that the respondent is conducting a drawing, lottery, plan, or scheme whereby a prospective customer is given a chance to obtain any of respondent's products at a special, reduced or discounted price; or that a prospective customer, by participating in any drawing, lottery, plan, or scheme, may be entitled to receive any of respondent's products at a special, reduced or discounted price; (3) exhibiting to a prospective customer, as a sample, any photograph or picture which is not in fact representative of the pictures sold by respondent; or representing, directly or by implication, that a picture to be made and delivered will be equal in type, quality, and workmanship to the sample displayed to the customer, unless the picture thereafter delivered is in fact of the same type, quality, and workmanship as such sample; (4) concealing from, or failing to disclose to, customers at the time pictures are ordered that the finished picture will be so shaped and designed that it can ordinarily be used only in an odd-style frame which is sold by respondent; or, (5) representing that the glass in the picture frames which respondent sells is special or unbreakable or that the picture is baked or pressed into the frame in a special way, if such is not the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Chester Burr Renner trading as Home Arts, Cleveland, Ohio, Docket 5954, November 4, 1952]

In the Matter of Chester Burr Renner Trading as Home Arts

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission, and were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner

as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 4, 1952.

The said order to cease and desist is as follows:

It is ordered, That respondent, Chester Burr Renner, individually, and trading as Home Arts, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's photographic enlargements or reproductions and of frames and glasses therefor, do forthwith cease and desist from:

1. Representing, directly or by implication, that the price at which any of respondent's products is offered for sale represents a special, reduced or discounted price, when such price is in fact the customary price at which said product is regularly sold.

2. Representing, by any means or in any manner, that the respondent is conducting a drawing, lottery, plan, or scheme whereby a prospective customer is given a chance to obtain any of respondent's products at a special, reduced or discounted price; or that a prospective customer, by participating in any drawing, lottery, plan, or scheme, may be entitled to receive any of respondent's products at a special, reduced or discounted price.

3. Exhibiting to a prospective customer, as a sample, any photograph or picture which is not in fact representative of the pictures sold by respondent; or representing, directly or by implication, that a picture to be made and delivered will be equal in type, quality, and workmanship to the sample displayed to the customer, unless the picture thereafter delivered is in fact of the same type, quality, and workmanship as such sample.

4. Concealing from, or failing to disclose to, customers at the time pictures are ordered that the finished picture will be so shaped and designed that it can ordinarily be used only in an odd-style frame which is sold by respondent.

5. Representing that the glass in the picture frames which respondent sells is special or unbreakable or that the picture is baked or pressed into the frame in a special way, if such is not the fact.

By "Decision of the Commission and order to file report of compliance," Docket 5954, November 4, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: November 4, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-1356; Filed, Feb. 9, 1953; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter G—Approved Forms, Natural Gas Act

[Docket No. R-125; Order 164]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

PRESCRIBING FILING OF MONTHLY STATEMENT OF OPERATING REVENUES AND INCOME FOR NATURAL GAS COMPANIES (CLASSES A AND B)

FEBRUARY 3, 1953.

Pursuant to authority granted by the Natural Gas Act particularly sections 10 (a) and 16 of the act (52 Stat. 826, 830, 15 U. S. C. 717i, 717o), the Commission initiated this proceeding on November 13, 1952, to amend § 260.3 of Part 260 of its general rules and regulations and to prescribe a revised F. P. C. Form No. 11, Monthly Statement of Operating Revenues and Income for Natural Gas Companies (Classes A and B). Notice of proposed rule making giving any interested person opportunity to submit written comments concerning the proposed revision was published in the FEDERAL REGISTER on November 20, 1952 (17 F. R. 10602).

Only two companies submitted comments and the suggestion of one of them that questions concerning dividends declared on common and preferred stock be retained in the revised Form 11 has been adopted. The other company noted that some of its figures, such as construction work in progress, must be submitted on an estimated basis subject to later adjustment. This appears to be feasible without any change in the Form but estimates should be so marked.

We are of the opinion that further proceedings in this matter are unnecessary. Accordingly, the Commission considers it appropriate and in the public interest to promulgate this amendment to the regulations immediately.

Upon consideration of the record in this proceeding, the Commission further finds:

(1) Adoption and promulgation of the proposed amendment of § 260.3 of Part 260 of the general rules and regulations and of F. P. C. Form No. 11 as revised is necessary and appropriate for the purposes of the administration of the Natural Gas Act.

(2) Good cause exists for making the proposed amendment and F. P. C. Form No. 11 as revised effective as of the date of issuance of this order.

The Commission, therefore, acting pursuant to authority granted by the Natural Gas Act, particularly section 10 (a) and 16 thereof (52 Stat. 826, 830, 15 U. S. C. 717i, 717o) orders:

(A) The general rules and regulations of the Commission are hereby amended to the extent that § 260.3 of Part 260 of Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations read as follows:

§ 260.3 *Form No. 11, Monthly statement of operating revenues and income for natural gas companies (classes A and B).* (a) FPC Form No. 11, Revised, Monthly Statement of Operating Revenues and Income for natural-gas companies, as defined in the Natural Gas Act, which are in Classes A and B, as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, subject to the provisions of the Natural Gas Act, be and the same hereby is approved.

(b) Each natural-gas company which is in Class A or B shall file with the Commission one copy of such Monthly Statement of Operating Revenues and Income, FPC Form No. 11, Revised, for the month of January 1953, and each month thereafter; such statement is to be filed on or before the last day of the month following that covered by the statement; such statement shall be signed by the Chief Accounting Officer of each natural-gas company reporting, but is not required to be under oath.

(c) Form No. 11, Revised, is designed to obtain monthly information concerning gas operating revenues, revenue deductions, and income including information consisting of (1) detail of operating expenses by functional account groups, including a statement of the cost of purchased gas and the volume purchased, (2) interest charged to construction, (3) gas construction work in progress, (4) gas materials and supplies, (5) volume and value of gas stored underground, and (6) dividend appropriations.

(B) The amended regulation § 260.3 and Form No. 11, Revised, referred to and hereby prescribed, be and the same hereby are made effective as of the date of issuance of this order.

(C) Order No. 131, dated April 17, 1946, and Form No. 11 thereby prescribed be and the same are hereby superseded.

(D) This order shall become effective on the date of issuance thereof and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o. Interprets or applies sec. 10, 52 Stat. 826; 15 U. S. C. 717i)

Date of issuance: February 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-1353; Filed, Feb. 9, 1953; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range; final approach (ft.)	Station to airport		Field elevation (ft.)	Ceiling and visibility minimum					If visual contact not established over airport at authorized lauding minimums, or if landing not accomplished; remarks
					Magnetic hearing (degs.)	Distance (mi.)			Day		Night		
									Ceiling (ft.)	Visibility (mi.)	Ceiling (ft.)	Visibility (mi.)	
ABERDEEN, S.DAK. Aberdeen (Saunders) 329 kc; ABR; SBRAZ-DTV	N—Min. en route alt. SE—Min. en route alt. S—Min. en route alt. NW—Min. en route alt. (Aberdeen VOR to LFR—243°, 3.0 mi, 2,400′)	S	10 mi—2,400′ E side S crs 15 mi—2,400′ E side S crs 20 mi—2,400′ E side S crs 25 mi—2,400′ E side S crs	1,900	341	2.6	1,300	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,800′ on N crs within 25 mi, or as directed hy ATC. *Runway 35. #500–1 for acft with stall speeds of 75 mph or less.
ALBANY, GA. Alhany Airport 254 kc; ABY; SBMRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	E	10 mi—1,400′ N side E crs 15 mi—1,400′ N side E crs 20 mi—1,400′ N side E crs 25 mi—1,400′ N side E crs	1,200	270	4.2	196	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,600′ on W crs within 25 mi. CAUTION: 575′ msl tower, 1.5 mi WNW of LFR. NOTE: Deviation authorized in landing minimum ohstruction clearance criteria.
ALBUQUERQUE, N. MEX. Kirtland AFB 230 kc; ABQ; SBRAZ-DTV	N—Min. en route alt. N—6,500′ (Alameda Rbn)* E—11,000′ (S crs Otto LFR) S—10,000′ (Truth or Consequences LFR) S—6,000′ (Peralta FM) (Final) W—10,000′ (Acomita LFR)	S	10 mi—7,000′ *W side S crs 15 mi—7,000′ *W side S crs 20 mi—7,000′ *W side S crs 25 mi—7,000′ *W side S crs	*6,000	355	3.0	5,330	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 8,000′* on N crs, or as directed by ATC. *CAUTION: Terrain exceeding 8,000′ in E quadrants of range. All turns to he made on W side of crs. #Runway 35. NOTE: Ceiling and vlsihility miuimums apply to civil acft only.
ALTOONA, PA. Blair Co. Airport 338 kc; AOO; SBMRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	N	10 mi—3,600′ W side N crs 15 mi—3,600′ W side N crs 20 mi—3,600′ W side N crs 25 mi—3,600′ W side N crs	3,100	202	1.3	1,495	R (R) A* T	1,000 1,000 1,500 1,000	2.0 1.0 3.0 1.0	1,000 1,000 1,500 1,000	3.0 2.0 3.0 1.0	Climh to 4,700′ on S crs within 25 mi, or as directed hy ATC. *1,500′—2 day and night for acft with stall speeds of 75 mph or less.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range; final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimum	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
AMARILLO, TEX. Amarillo Air Terminal 251 kc; AMA; SBRAZ-DTV (Procedure No. 1)	N—Min. en route alt. E—Min. en route alt. E—4,700′ (NW scr Clarendon LFR) S—Min. en route alt. W—Min. en route alt. W—4,540′ (Soncy FM) (Final) (Amarillo VOR to LFR—222°, 7.0 mi, 4,700′)	W	10 mi—5,000′ S side W crs 15 mi—5,000′ S side W crs 20 mi—5,000′ S side W crs 25 mi—5,000′ S side W crs	4,540	77	2.1	3,604	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 4,700′ on E crs within 25 mi, or as directed by ATC.
LYNCHBURG, VA. Preston Glen Airport (Procedure No. 1) 206 kc; LYH; SBRAZ-DTV	NE—Min. en route alt. S—Min. en route alt. W—Min. en route alt. N—Min. en route alt.	S	10 mi—2,500′ E side S crs 15 mi—2,500′ E side S crs 20 mi—2,500′ E side S crs 25 mi—2,500′ E side S crs	1,940	157	1.9	942	R (R) A T	1,000 1,000 1,500 500	2.0 1.0 2.0 1.0	1,000 1,000 1,500 500	2.0 2.0 2.0 1.0	If visual contact not estab over LFR, turn left and climb to 2,500′ on S crs. (CAUTION: Do not proceed N of the Lynchburg LFR.) NOTE: Airport lies between procedure turn and the LFR.
(Procedure No. 2)	NE—Min. en route alt. S—Min. en route alt. W—Min. en route alt. N—Min. en route alt.	S	10 mi—2,500′ E side S crs 15 mi—2,500′ E side S crs 20 mi—2,500′ E side S crs 25 mi—2,500′ E side S crs	1,740 (Over Oak Grove FM)	348 (From Oak Grove FM)	3.9	942	R (R) S* A T	800 700 600 900 500	1.5 1.0 1.0 2.0 1.0	800 700 600 900 500	1.5 1.0 1.0 2.0 1.0	Climb straight ahead to 2,000′ inbound on S crs, then make a climbing left turn, proceed outbound on S crs of LFR at 2,500′. (CAUTION: Do not proceed N of the Lynchburg LFR.) *Runway 35.

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course: degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Glide path altitude over markers (ft.): Middle	Distance from markers to approach end of runway (mi.): Outer	Distance from markers to approach end of runway (mi.): Middle	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
SEATTLE, WASH. Seattle-Tacoma International Airport Freq. 110.3 mc Ident. SEA	Seattle LFR	LOM	175	9.0	2,600	S 338 158	2,000′—E side S crs	1,600	1,590	585	4.60	0.65	416	R * (R) S# A T	500 500 500 400 800 300	1.5 2.0 1.0 1.0 2.0 1.0	Climb to 1500′ on NW crs Seattle LFR within 15 mi of LFR, or as directed by ATC. *Night minimums. #Runway 34. NOTE: LOM located 4.6 mi from approach end of Rwy 34, Freq. 224 kc, Idcnt. SE.
	Lakeview FM	S crs ILS	27	7.0	1,600												
	Vashon Int.	LOM	97	9.0	2,000												
	Seattle VOR	LOM	158	4.9	2,000												
SHREVEPORT, LA. Greater Shreveport Airport Freq. 110.3 mc Ident. SHV	Shreveport VOR	LOM	183	19.0	1,700	NW 135 315	1,400′—W side NW crs	(*)	*1,400	--------	4.31	--------	252	R (R) S# A T	500 500 400 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500′ on SE crs of ILS within 15 mi, or as directed by ATC. *Localizer only (glide path and approach light installation incomplete). #Runway 13.
	Dixie Rbn	LOM	181	14.0	1,400												
	Shreveport LFR	LOM	225	8.0	1,400												
	Int. SW crs Barksdale LFR and S crs Shreveport LFR	LOM	300	12.0	1,400												
	Int. W crs Shreveport LFR and NW crs ILS	LOM	135	8.0	1,400												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course: degrees inbound, outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)				Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
TALLAHASSEE, FLA. Dale Mabry Field. Freq. 110.3 mc Ident. TLH	Int. N crs Tallabassee LFR and NW crs ILS	Outer marker	122	9.0	1,300	SE 302 122	1,300'—N side SE crs	1,300	1,300	345	4.69	0.67	70	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,400' on N crs Tallahassee LFR, or as directed by ATC. *Runway 31. CAUTION: 327' msl obstruction, 1 mi NE of airport.
	Tallabassee LFR	Outer marker	109	8.0	1,300												
	Int. E crs Tallahassee LFR and SE crs ILS.	Outer marker	122	5.0	1,300												
	Tallahassee VOR	Outer marker	143	11.0	1,300												
TOPEKA, KANS. Philip Billard Airport. Freq. 109.5 mc Ident. TOP	Int. SE crs ILS and SW crs Kans. City LFR	Rbn at OM	305	33.0	2,500	NW 125 305	2,100'—W side NW crs	2,100	2,065	1,090	4.50	0.66	880	R (R) S* A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,500' on SE crs ILS, or as directed by ATC. *Runway 12. NOTE: (1) Rbn at ILS OM: Freq. 304 kc, Ident. TOP, located 4.50 mi from approach end of Rwy 12. (2) Deviation from standard criteria authorized for straight-in rate of descent.
	Forbes LFR	Rbn at OM	357	15.0	2,400												
	Int. 252° brg to Salina VOR and NW crs Forbes LFR	Rbn at OM	71	16.0	2,500												
	Topeka VOR	Rbn at OM	251	7.0	2,100												
TULSA, OKLA. Tulsa Airport	(PROCEDURE CANCELED)																
WICHITA, KANS. Wichita Airport Freq. 110.3 mc Ident. ICT	Towanda FM	LOM	213	24.0	2,800	S 2 182	2,800—E side S crs	2,750	2,750	1,565	5.37	0.69	1,371	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,800' on NE crs of Wichita LFR within 25 mi, or as directed by ATC. *Runway 36L. NOTE: Landings and take-offs not authorized at night on Rwy 6L/24R.
	Wichita LFR	S crs ILS (Outbound)	167	1.5	2,800												
	Viola FM	S crs ILS (Inbound)	73	19.0	2,800												
	Oxford FM	S crs ILS (Inbound)	337	16.0	2,800												
	Int. N crs ILS and NE crs Wichita LFR	LOM	182	7.0	2,800												
	Wichita VOR	LOM	178	17.0	2,800												

3. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VHF OMNIRANGE (VOR) PROCEDURES

Station; frequency; identity class	Initial approach to VOR station				Final approach course: degrees inbound, outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
AUGUSTA, GA. Daniel Field	(PROCEDURE CANCELED)												
CASPER, WYO. Natrona Co. Airport 116.4 mc; CPR; BVOR	(Initial approaches from primary fixes from any direction—MEA)				202 22	7,000′—N side crs	7,000	15.9	5,347	R A T	1,000 1,000 300	3.0 3.0 1.0	Make 180° turn, climb to 7,500′ on crs of 22° within 25 mi of VOR, or as directed by ATC. CAUTION: 5,900′ msl terrain at VOR site and 5 mi S, SW and W of airport.
	Casper LFR	352	13.0	7,000									
COLLEGE STATION, TEX. Easterwood Airport 113.3 mc; CLL; BVOR-TV	(Initial approaches from primary fixes from any direction—MEA)				98 278	1,400′—S side crs (within 10 mi) 1,500′—within 20 mi 1,600′—within 25 mi	900	2.9	320	R (R) S* A T	500 500 800 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,600′ on crs of 125° within 25 mi of VOR, or as directed by ATC. NOTE: Maintain procedure turn altitude until within 10 mi of VOR on final. *Runway 10.
	Bryan LFR	119	9.0	1,600									
DES MOINES, IOWA Des Moines Airport 113.1 mc; DSM; BVOR	(Initial approaches from primary fixes from any direction—MEA)				348 168	2,100′—E side crs (Within 15 mi) 2,200′—within 25 mi	1,600	6.2	957	R (R) S* A T#	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,600′ on crs of 320° within 25 mi of VOR, or as directed by ATC. CAUTION: 1,560′ msl TV tower located 3.2 mi NNE of arpt. #When TV tower not visible on N, NW, NE, E and W take-offs, climb to 2,500′ before turning toward tower. *Runway 35.
	Des Moines LFR	173	4.0	2,100									
	Martensdale FM (Final)	8	5.0	1,600									
DODGE CITY, KANS. Dodge City Airport 116.4 mc; DDC; BVOR	(Initial approaches from primary fixes from any direction—MEA)				150 330	3,600′—W side crs	3,100	6.1	2,594	R ** (R) ** S# ** A T	500 500 500 500 *500 *500 800 300	1.5 2.0 1.0 2.0 1.0 2.0 2.0 1.0	Climb to 3,900′ on crs of 150° within 25 mi of VOR, or as directed by ATC. *CAUTION: 2,900′ msl radio tower, 3 mi W of arpt and 2,731′ msl tower, 3 mi NW of arpt (1.5 mi W of final approach course). **Night minimums. #Runway 14.
	Dodge City Rbn	330	6.0	3,700									
GALVESTON, TEX. Galveston Airport 112.8 mc; GLS; BVOR	(Initial approaches from primary fixes from any direction—MEA)				136 316	1,400′—W side crs (Within 15 mi—NA beyond 15 miles)	860	5.9	7	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,300′ on crs of 136° within 25 mi of VOR or as directed by ATC. *Runway 13. CAUTION: 231′ msl obstruction located 1.6 mi NE of airport.
	Galveston LFR	340	2.0	1,300									
HOBBS, N. MEX. Lea County Airport 114.3 mc; HOB; BVOR	(Initial approaches from primary fixes from any direction—MEA)				213 33	4,800′—N side crs	4,340	5.0	3,659	R (R) S* # A T	500 500 500 NA 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 5,000′ on crs of 213° within 25 mi of VOR, or as directed by ATC. *Runway 21. #Night minimums.
	Hobbs LFR	127	7.0	5,000									
HURON, S. DAK. Huron Airport 113.3 mc; HON; BVOR	(Initial approaches from primary fixes from any direction—MEA)				123 303	2,400′—W side crs	1,900	5.3	1,287	R (R) * S# A T	500 500 500 500 800 300	1.5 1.0 1.5 1.0 2.0 1.0	Climb to 2,800′ on crs of 123° within 25 mi of VOR. *Night minimums. #Runway 12. CAUTION: 1,484′ msl radio tower located 1.3 mi S of airport.
	Huron LFR	332	6.0	2,400									
IMPERIAL, NEBR. Imperial Airport 117.9 mc; IML; BVOR-DTV	(All directions—MEA)				266 86	4,300′—N side crs	3,980	6.1	3,276	R * A T	700 700 800 300	1.0 2.0 2.0 1.0	Climb to 4,500′ on crs of 266° within 25 mi. #CAUTION: (1) Sod field—not approved for acft with stall speeds in excess of 75 mph. (2) 3,500′ msl grain elevator, 0.5 mi W of airport.
LAKE CHARLES, LA. Lake Charles AFB 116.9 mc; LCH; BVOR	(Initial approaches from primary fixes from any direction—MEA)				44 224	1,300′—S side crs	800	6.2	18	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on crs of 44° within 25 mi of VOR, or as directed by ATC.
	Lake Charles LFR	247	5.0	1,300									
LAREDO, TEX. Laredo AFB 113.9 mc; LRD; BVOR	(Initial approaches from primary fixes from any direction—MEA)				317 137	1,900′—E side crs	1,420	4.5	512	R (R) S* ** A T	500 500 500 #500 800 300	1.5 1.0 1.0 1.5 2.0 1.0	Climb to 1,700′ on crs of 317° within 25 mi of VOR, or as directed by ATC. *Runway #32R. **Night minimums. #500—1 for acft with stall speeds of 75 mph or less.
	Laredo LFR	137	8.0	1,700									

VHF OMNIRANGE (VOR) PROCEDURES—Continued

Station; frequency; identity class	Initial approach to VOR station				Final approach course: degrees inbound, outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
MASON CITY, IOWA Mason City Airport 114.9 mc; MCW; BVOR	(Initial approaches from primary fixes from any direction—MEA)				355 175	2,200′—E side crs	1,720	3 9	1,216	R (R) S * A T	500 500 500 800 300	1. 5 1. 0 1. 0 2. 0 1. 0	Climb to 2,600′ on crs of 355° within 25 mi of VOR, or as directed by ATC. *Runway 35.
	Mason City Rbn	170	4. 0	2200									
MILWAUKEE, WIS. Gen. Mitchell Airport 115.1 mc; MKE; BVOR	(Initial approaches from primary fixes from any direction—MEA)				5 185	2,000′—E side crs	1,400	5. 2	698	R (R) * S# A T	500 500 500 500 800 3000	1. 5 1. 0 1. 5 1. 0 2. 0 1. 0	Climb to 2,600′ on crs of 5° within 25 mi of VOR or as directed by ATC. *Night minimums. #Runway 1.
	Franksville FM (Final)	357	6. 0	1400									
	Milwaukee LFR	192	3. 0	2000									
NEEDLES, CALIF. Needles Airport 117.3 mc; EED; BVOR	(All directions—MEA)				265 85	4,500′—N side crs (within 15 mi—NA beyond 15 miles).	3,000	257°, 8. 4	990	R * A * T *	1,000 1,000 1,000 1,000 1,000 1,000	2. 0 3. 0 2. 0 3. 0 2. 0 3. 0	If visual contact not established within 6 mi after passing VOR, turn right, climb to 7,000′ on crs of 322° within 25 mi of VOR, or as directed by ATC. *Night minimums. SHUTTLE: To 6,000′ on crs of 265° outbound, 85° inbound within 15 miles.
OTTUMWA, IOWA Ottumwa Airport 113.4 mc; OTM; BVOR	(Initial approaches from primary fixes from any direction—MEA)				303 123	1,900′—N side crs	1,400	7. 7	845	R A T	500 800 300	2. 0 2. 0 1. 0	Climb to 2,200′ on crs of 303° within 25 mi of VOR, or as directed by ATC.
	Ottumwa Rbn	125	8. 0	1, 900									
PRESCOTT, ARIZ. Prescott Airport 114.1 mc; Prc; BVOR	(All directions—MEA)				145 325	8,000′—E side crs	6, 500	126°, 4.0	5, 042	R (R) A * T *	1, 500 1, 000 1, 500 1, 000 1, 000 800	2. 0 2. 0 2. 0 2. 0 2. 0 2. 0	If visual contact not established within 2 mi after passing VOR, turn left, climb to 8,000′ on crs of 325° within 25 mi of VOR. *Minima for acft with stall speeds of 75 mph or less.
PUEBLO, COLO. Pueblo Airport No. 1 112.1 mc; PUB; BVOR	(Initial approaches from primary fixes from any direction—MEA)				348 168	6,600′—E side crs (within 10 mi—NA beyond 10 miles)	5,800	2. 9	4,853	R * (R) * S# A T	500 500 500 500 500 800 300	1. 5 2. 0 1. 0 2. 0 1. 0 2. 0 1. 0	Climb to 6,000′ on crs of 76° within 25 mi of VOR, or as directed by ATC. *Night minimums. #Runway 35. NOTE: Deviation from standard criteria authorized in straight-in approach rate of descent, procedure turn, and missed approach procedure.
	St. Charles FM (Final)	333	8. 0	5, 800									
	Pueblo LFR	193	1. 5	6, 600									
ST. LOUIS, MO. Lambert-St. Louis Airport 114.5 mc; STL; BVOR	(Initial approaches from primary fixes from any direction—MEA)				137 317	1,800′—W side crs (Within 10 mi) 1,900′—within 25 mi	1,300	9. 3	543	R A T	700 800 300	2. 0 2. 0 1. 0	Climb to 2,100′ on crs of 137° within 25 mi of VOR, or as directed by ATC.
	St. Louis LFR	303	11. 0	1, 800									
SHREVEPORT, LA. Downtown Airport 112.9 mc; SHV; BVOR	(Initial approaches from primary fixes from any direction—MEA)				159 339	1,500′—E side crs #	1,180	16. 0	179	R (R) ** S* ** A T	1,000 1,000 1,000 1,000 1,000 NA 300	1. 5 1. 0 1. 5 1. 0 1. 5 1. 0	Climb to 1,500′ on crs of 159° within 25 mi of VOR, or as directed by ATC. *Runway 18. **Night minimums. NOTE: No weather reporting service or communications available at this arpt. #Deviation from standard criteria authorized in direction of procedure turn due to ATC.
	Shreveport LFR	339	14. 0	1, 700									
SIDNEY, NEBR. Sidney Airport 113.1 mc; SNY; BVOR-DTV	(Initial approaches from primary fixes from any direction—MEA) Sidney Rbn	343	4. 2	5, 300	163 343	5,300′—W side crs	4, 800	5. 1	4, 300	R * A T *	500 500 800 300 300	1. 0 2. 0 2. 0 1. 0 2. 0	Climb to 5,500′ on crs of 163° within 25 mi of VOR, or as directed by ATC. CAUTION: Sod field, not authorized for acft with stall speeds in excess of 75 mph.
THE DALLES, OREG. The Dalles Airport 117.9 mc; DLS; BVOR	(Initial approaches from primary fixes from any direction—MEA)				249 69	4,000′—S side crs (Procedure turn on N side NA due to high terrain).	2, 740	##13. 6	243	R ** A ** T **	2, 500 NA# 2, 500 NA# 1, 500 NA*	3. 0 3. 0 1. 0 	Make climbing left turn, climb to 4,000′ on crs of 75° within 25 mi of VOR, or as directed by ATC. *1,500—2 for acft with stall speeds of 75 mph or less. **Night minimums. #2,500—3 for acft with stall speeds of 75 mph or less. ##Flights will be conducted so as to proceed VFR from the VOR to the airport.
	The Dalles LFR	69	10. 6	5, 000									
	Int. N crs The Dalles LFR & 148° hrg to VOR	148	16. 0	5, 000									

VHF OMNIRANGE (VOR) PROCEDURES—Continued

Station; frequency; identity class	Initial approach to VOR station: From—	Magnetic course (deg.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course: degrees inbound, outbound	Procedure turn minimum altitude	Minimum altitude over VOR station on final approach	Distance from VOR station to approach end of runway (mi.)	Field elevation (ft.)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
TOPEKA, KANS. PhilipBilliard Airport. 117.8 mc; TOP; BVOR-DTV	(Initial approaches from primary fixes from any direction—MEA)				208 28	2,300′—W side crs	1,800	5.7	880	R (R) S* A T	600 600 600 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on crs of 162° outbound from VOR within 25 mi, or as directed by ATC. *Runway 22. NOTE: Deviation from standard criteria authorized for missed approach procedure.
	Topeka Rbn at ILS OM	70	7.0	2,300									
VALDOSTA, GA. Valdosta Airport. 113.7 mc; VLD; BVOR	(Initial approaches from primary fixes from any direction—MEA)				2 182	1,300′—E side crs	800	7.0	203	R (R) S* A T	500 500 800 300 300	1.5 1.0 1.0 2.0 1.0	Turn left, climb to 1,500′ on crs of 315° within 25 mi of VOR, or as directed by ATC. *Runway 35.
	Valdosta Rbn	182	7.0	1,300									
WINSLOW, ARIZ. Winslow Airport 114.9 mc; INW; BVOR	(Initial approaches from primary fixes from any direction—MEA)				120 300	7,000′—E side crs	6,000	104°, 4.4	4,937	R (R) S* A T	600 500 500 800 300	2.0 2.0 1.0 2.0 1.0	Turn left, climb to 7,000′ on crs of 77° within 25 mi of VOR, or as directed by ATC. *Runway 10. SHUTTLE: To 8,000′ on crs of 120° outbound, 300° inbound within 25 mi. NOTE: Deviation from standard criteria authorized in direction of procedure turn.
	Joseph City FM	257	25.0	7,000									
YOUNGSTOWN, OHIO Youngstown Airport 114.7 mc; YNG; BVOR	(Initial approaches from primary fixes from any direction—MEA)				183 3	2,200′—W side crs	1,740	4.6	1,196	R (R) S* ** A T	500 500 500 500 800 300	1.5 1.0 1.0 1.5 2.0 1.0	Climb to 2,600′ on crs of 183° within 25 mi of VOR, or as directed by ATC. *Runway 18. **Night minimums. #500–1 for acft with stall speeds of 75 mph or less.
	Youngstown LOM	27	10.0	2,300									
	Gustavus FM (Final)	3	9.0	1,740									

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1 007, as amended; 49 U. S. C. 551)

These procedures shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1225; Filed, Feb. 9, 1953; 8:44 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5981]

PART 458—INSPECTION OF RETURNS

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

§ 458.316 *Inspection of returns by Senate Committee on Government Operations during 83d Congress.* (a) (1) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and of the Executive order[1] issued thereunder, any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1945 to 1952, inclusive, shall during the Eighty-third Congress, be open to inspection by the Senate Committee on Government Operations or the duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining its economy and efficiency.

(2) The inspection of returns authorized in this section may be made by the Committee or such duly authorized subcommittee thereof, acting directly as a Committee or as a subcommittee, or by or through such examiners or agents as the Committee or the subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the Chairman of the Committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such Committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the Committee or the subcommittee or by such examiners or agents as the Committee or the subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the Committee or the subcommittee thereof shall be held confidential: *Provided, however,* That any portion or portions thereof relevant or pertinent to the purpose of the investigation may be submitted by the Committee to the United States Senate.

[1] See Title 3, Executive Order 10435, *supra.*

(b) Because of the immediate need of the said Committee to inspect the tax returns herein mentioned, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(c) This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

G. M. HUMPHREY,
Secretary of the Treasury.

Approved: February 6, 1953.

DWIGHT D EISENHOWER,
The White House.

[F. R. Doc. 53-1393; Filed, Feb. 6, 1953; 5:09 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

PART 404—INTERDEPARTMENTAL PROCUREMENT

PART 405—FOREIGN PURCHASES

MISCELLANEOUS AMENDMENTS

1. The following amendments and additions are made to Part 404—Interdepartmental Procurement (32 CFR Part 404). The amendments and additions herein pertain to procurements from or through the General Services Administration.

Part 404 is amended by revising § 404.000 and Subpart A as follows:

Sec.

404.000 Scope of part.

SUBPART A—PROCUREMENT FROM OR THROUGH THE GENERAL SERVICES ADMINISTRATION

404.101 General.
404.102 Procurement through use of Federal Supply Schedule contracts.
404.102–1 Mandatory items.
404.102–2 Optional use by the military departments.
404.102–3 Contents of orders.
404.102–4 Distribution of Federal Supply Schedules.
404.103 Federal Supply Service consolidated purchasing programs.
404.103–1 Mandatory use of consolidated purchasing programs.
404.103–2 Optional use of consolidated purchasing programs.
404.104 Federal Supply Service Stores Depots.
404.104–1 Common administrative supplies.
404.104–2 Supplies other than common administrative supplies.

AUTHORITY: §§ 404.000 to 404.104–2 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161.

§ 404.000 *Scope of part.* This part deals with the procurement of supplies and services by the Military Departments from or through any other Government department or agency, with the exception of the procurement of supplies and services under the authority of Part 403—Coordinated Procurement, of this chapter.

SUBPART A—PROCUREMENT FROM OR THROUGH THE GENERAL SERVICES ADMINISTRATION

§ 404.101 *General.* The procurement of common administrative supplies and services shall be through the General Services Administration to the extent provided in this subpart. Implementation of procurement from or through the General Services Administration as it affects military supply responsibilities shall be under the guidance of the staffs of the Munitions Board and of the General Services Administration. Determinations arrived at which modify or change military procurement responsibilities shall be based on recommendations of Task Groups having military departmental representation and shall be subject to the approval of the Munitions Board. The decisions of the Munitions Board shall be promulgated by Department of Defense Directives, which shall specify the extent of coverage of each determination including provisions for emergency procurement, and when supplies or services cannot be obtained within the time required.

§ 404.102 *Procurement through use of Federal Supply Schedule contracts.* The Federal Supply Service of the General Services Administration prepares and issues Federal Supply Schedules of indefinite quantity contracts entered into for items commonly used by agencies of the Government. The contracts provide that agencies of the Government may issue purchase orders direct to any Contractor listed in the Federal Supply Schedule, receive and inspect the shipment, and make payment direct to the Contractor without referring the transaction to the Federal Supply Service.

§ 404.102–1 *Mandatory items.* Those provisions of the Federal Supply Schedules approved by the Munitions Board as mandatory on the Department of Defense shall be complied with by the Military Departments in the procurement of supplies and services listed therein. Where appropriate, requirements for mandatory items shall be determined with reasonable accuracy and furnished to the General Services Administration sufficiently in advance to permit that Administration to accomplish planned contracting.

§ 404.102–2 *Optional use by the military departments.* Those Federal Supply Schedules which have not been designated as mandatory on the Department of Defense by the Munitions Board may be utilized by the Military Departments as another source of supply to the extent feasible.

§ 404.102–3 *Contents of orders.* Orders issued under contracts of the Federal Supply Service shall contain sufficient data to enable prompt identification of the correct listing in the proper Federal Supply Schedule.

§ 404.102–4 *Distribution of Federal Supply Schedules.* Federal Supply Schedules and catalogs of contractors holding contracts for supplies covered by such Schedules (including price lists), except catalogs which by special agreement may be furnished directly by such contractors, are supplied by the various General Services Administration regional offices, the locations of which are listed below:

GSA Region or District Office, and Address and Telephone No.

Region 1, Boston 9, Mass.; 620 Post Office and Court House; Liberty 2–5600.

Region 2, New York 3, N. Y.; 230 Hudson Street; Algonquin 5–4300.

Region 3, Washington 25, D. C.; Room 4130, Seventh and D Streets SW.; Republic 7–7500, Extension 3222.

Region 4, Atlanta 3, Ga.; 50 Whitehall Street SW.; Walnut 4121, Extension 662.

Region 5, Chicago 4, Ill.; Room 575, U. S. Court House, 219 South Clark Street; Harrison 7–4700. Cleveland 15, Ohio; WJW Building, Fifth Floor, 1375 Euclid Avenue; Cherry 1–7900.

Region 6, Kansas City 6, Mo.; Room 1900 Federal Office Building, 911 Walnut Street; Harrison 6464, Extension 361.

Region 7, Dallas 2, Tex.; Seventeenth Floor, 1114 Commerce Street; Riverside 6951.

Region 8, Denver, Colo.; Denver Federal Center; Tabor 2181.

Region 9, San Francisco 3, Calif.; 49 Fourth Street; Yukon 6–3111. Los Angeles 15, Calif.; 1031 South Broadway; Prospect 7841.

Region 10, Seattle 4, Wash.; Federal Office Building, 909 First Avenue; Seneca 3100.

§ 404.103 *Federal Supply Service consolidated purchasing programs.* The Federal Supply Service conducts consolidated purchasing programs for the delivery of definite quantities of selected items directly from vendors to Government depots for storage and subsequent issue by the using departments, and for delivery of definite quantities of selected items from vendors to use points or ports of embarkation. In this connection, the General Services Administration assigns purchase responsibility for certain common administrative supplies and services to civilian agencies.

§ 404.103–1 *Mandatory use of consolidated purchasing programs.* The mandatory use by the Departments of the Federal Supply Service consolidated purchasing programs covering selected common administrative supplies and services will be prescribed by Department of Defense Directives based on actions of the Munitions Board. Requirements of the Departments shall be determined and furnished sufficiently in advance to the Federal Supply Service so as to permit it to do planned purchasing.

§ 404.103–2 *Optional use of consolidated purchasing programs.* Optional use by the Departments of consolidated purchasing programs conducted by the Federal Supply Service is permitted for common administrative supplies and services which are not covered by the mandatory purchasing programs as required by Department of Defense Directives.

§ 404.104 *Federal Supply Service Stores Depots.* The Federal Supply Service operates a chain of stores depots located at the cities listed in § 404.102–4. Periodically, the Federal Supply Service publishes an illustrated Store Stock Catalog which shows standard items carried in stock for issue by all such stores depots, as well as special items carried in stock for issue only by certain stores depots. Prices for these stock items may be shown in the Store Stock Catalog or on separate price lists. Copies of the Store Stock Catalog and price lists may be obtained from any of these depots.

§ 404.104–1 *Common administrative supplies.* Military activities and installations located in the continental United States will, for those items which they are authorized to purchase locally for local consumption, consider the Federal Supply Service Stores Depots as the sole source of supply for the common administrative supplies listed in the Federal Supply Service Store Stock Catalog except where conditions are such that the use of imprest funds, Standard Form 44 or other simplified procurement methods is more practicable or economical. In the latter instances, procurement from other than Federal Supply Service Stores Depots is authorized.

§ 404.104–2 *Supplies other than common administrative supplies.* Military activities and installations located in the continental United States which are authorized to purchase locally their requirements for supplies may purchase supplies other than common administrative supplies from Federal Supply Service Stores Depots when (a) they have made prior arrangements with authorized field agencies of the Federal Supply Service to establish estimates of requirements and to assure availability of the supplies and quantities required; (b) the supplies are identified as being available to and used by Federal agencies generally through facilities of the Federal Supply Service Stores Depots; (c) military effectiveness will not be decreased; and (d) cost compares favorably with delivered cost of like supplies available from commercial sources. While Federal Supply Service Stores Depots are not mandatory on the Department of Defense except as stated above, Military Departments should require their facilities, particularly those where responsibility is administrative in nature, to utilize the Federal Supply Service Stores Depots in the interest of supply economy.

2. The following amendments are made to Part 405—Foreign Purchases (32 CFR Part 405). The amendments relate to: (1) Cases affected by the Buy-American Act where the lowest acceptable foreign bid is more than $25,000 and the differential between that bid and the lowest net cost of United States supplies is less than 25 percent of the foreign bid; (2) addition of hog bristles to the list of items excepted from the provisions of the Buy-American Act.

a. Section 405.105–1 is revised as follows:

§ 405.105–1 *Exceptions based on unreasonable cost.* It has also been administratively determined by the Secretaries of the three departments, in accordance with the provisions of § 405.104, that the cost would be unreasonable, and that therefore the prohibitions of the Buy American Act would not apply, when the lowest net cost of United States supplies exceeds the lowest net cost of foreign supplies, including duty, by 25 percent or more (100 percent in the case of foreign supplies costing $100 or less). However, in any case involving a differential of less than 25 percent, where the Contracting Officer, because of the amount involved, considers the differential to be unreasonable, he may submit the matter for consideration to the Secretary of the Department concerned; further, in any case involving a differential of less than 25 percent, and when the total amount of the lowest acceptable foreign proposal exceeds $25,000, the Contracting Officer shall submit the matter for consideration to the Secretary of the Department concerned.

b. The following item is added to the list of supplies to be procured for public use in § 405.109, between the items "Graphite" and "Hyoscine":

Hog bristles.

(R. S. 161, 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

J. C. HOUSTON, Jr.,
Acting Chairman,
Munitions Board.

[F. R. Doc. 53–1311; Filed, Feb. 9, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 25]

DMO 25—Establishing the Position of Assistant Director for Production

There is hereby established within the Office of Defense Mobilization the position of Assistant Director for Production.

On behalf of the Director of Defense Mobilization, the Assistant Director for Production shall exercise the authority of the Director under Executive Order No. 10200, except the authority under section 2 (c) 5 thereof relating to certain voluntary agreements.

Actions heretofore taken by the authority of Executive Order 10200, including delegations of authority thereunder, are hereby ratified and confirmed and shall continue in effect until amended or rescinded by the Director or the Assistant Director for Production.

This order shall take effect on February 10, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director

FEBRUARY 9, 1953.

[F. R. Doc. 53–1424; Filed, Feb. 9, 1953; 11:26 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 118, Supplementary Regulation 1, Amdt. 1]

CPR 118, SR 1—Certain Producers of of Bolts, Nuts, Screws, and Rivets

REVISION OF PERIOD DURING WHICH UNIFORM PRICE RELATIONSHIP MUST HAVE BEEN MAINTAINED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 118 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation (SR) 1 to Ceiling Price Regulation (CPR) 118 permits producers of nuts, bolts, screws and rivets to apply to the Office of Price Stabilization for an adjustment of their ceiling prices established under CPR 118 if those ceiling prices do not bear the same relationship to the prices of competitive sellers as was maintained prior to the outbreak of hostilities in Korea. In order to qualify for an adjustment, a producer must establish that his ceiling prices under CPR 118 do not reflect the same uniform relationship to the prices of a competitive seller that was maintained during the period July 1, 1949, to June 30, 1950 (or during the period July 1, 1949, to March 31, 1950, for producers who can also show that the uniform relationship was not maintained for the last quarter of the year July 1, 1949–June 30, 1950, because prices were quoted on a firm quarterly basis). However, in the administration of SR 1 the Office of Price Stabilization has found that because of the extremely competitive conditions which existed in the industry from July 1949 to June 1950, particularly during the first six months of that period, it is not realistic to require that a uniform relationship between the applicant's prices and the prices of a competitive seller must have been maintained during the entire period from July 1, 1949, to June 30, 1950, or from July 1, 1949, to March 31, 1950. To require the applicant to establish that his prices bore a uniform relationship to a competitor's prices during any consecutive six months of the period from July 1, 1949, to June 30, 1950, would be in accordance with the realities of the situation and, on the other hand, would not provide a means by which a producer could obtain an adjustment not justified by his historical position in the industry.

SR 1 to CPR 118 is accordingly amended to permit producers of bolts, nuts, screws and rivets to apply for an adjustment of their ceiling prices established under SR 1 to CPR 118 if those ceiling prices do not bear the same relationship to the prices in the industry that the producer maintained during any consecutive six months of the period from July 1, 1949, to June 30, 1950.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 118 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits producers of bolts, nuts, screws and rivets to apply for an adjustment of their ceiling prices established under CPR 118 if those ceiling prices do not bear the same relationship to the prices in the industry that the producer maintained during any consecutive six months of the period from July 1, 1949 to June 30, 1950.

2. Paragraph (a) of section 2 is amended to read as follows:

SEC. 2. *Application for individual adjustment*—(a) *Who may apply.* If you are a producer of bolts, nuts, screws or rivets you may apply for an adjustment in the ceiling price of any product which you produce if:

(1) During any consecutive six months of the period from July 1, 1949, to June 30, 1950, the price of the product covered by your application was maintained in a uniform relationship to the price for the same or similar product charged by a competitive seller; and

(2) Your ceiling price under CPR 118 does not bear the same relationship to the ceiling price of the same competitive seller that was maintained during that consecutive six months of the period from July 1, 1949, to June 30, 1950.

3. Subdivision (iii) of paragraph (b) (1) of section 2 is amended by adding the word "and" after the semicolon.

4. Subdivision (iv) of paragraph (b) (1) of section 2 is amended by deleting the word "and" after the semicolon.

5. Subdivision (v) of paragraph (b) (1) of section 2 is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 118 is effective February 6, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1382; Filed, Feb. 6, 1953; 4:51 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 17]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF PREVIOUSLY SUSPENDED COMMODITIES AND ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This Amendment to GOR 4, Revision 1 is one of the actions by which OPS is carrying out that instruction.

GOR 4 was issued to provide a single listing of consumer soft goods as to which changing condition justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control the following additional commodities:

Synthetic fibers, hard and bast fibers and products containing 50% or more by weight or material cost of such fibers, apparel not previously exempted and a number of miscellaneous fabricated textile products, and textile waste. The amendment also exempts from price control at both the wholesale and retail levels all articles described in the categories set forth in Appendix B to Ceiling Price Regulation 7, regardless of whether their ceiling prices were established under the General Ceiling Price Regulation or under CPR 7.

This amendment further provides that all consumer soft goods for which price ceilings have previously been suspended are now exempt from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 4, Revision 1, as amended, is further amended as follows:

1. The following sentence is added after the first sentence in section 2: "However, any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record."

2. Section 2 is further amended by adding the following paragraphs:

(l) All sales of consumer soft goods as to which the application of ceiling price regulations has been suspended.

(m) All manufacturers' sales of apparel, apparel furnishings and apparel accessories made of textile materials, leather, fur, plastic, other materials which are normally served as part of the assembly operation, or a combination of such materials.

(n) Synthetic fibers.

(o) Hard and bast fibers and all products containing 50 percent or more by weight or material cost of such fibers.

(p) Manufacturers' sales of the following commodities, consisting of 50 percent or more, by weight or material cost, of raw wool, raw cotton or processed yarns or fabrics composed of wool, cotton, silk, synthetics or combinations thereof:

Applique.
Art goods for embroidering.
Badges.
Bags, except as designed for use as a component part of or accessory to industrial machinery or equipment, including:
  Coffee urn.
  Garment.
  Hat.
  Shoe.
Banners.
Batts and batting.
Bedspreads and spreads.
Bindings.
Blankets, including:
  Afghans.
  Automobile robes.
  Electric.
  Steamer rugs.
Bobbinet.
Braids.
Cases.
Cheese bandages and circles.
Cloth, including:
  Cleaning.
  Dish.
  Polishing.
  Wash.
  Wiping.
Comforters and quilts.
Cordage, rope, twine and thread.
Covers, including:
  Bedspring.
  Blanket.
  Canvas.
  Card table.
  Cotton bale.
  Mattress.
  Pillow.
Curtains and drapes, including:
  Door.
  Shower.
  Window.
Cushions, decorative and pin.
Diapers.
Emblems.
Filter cloths and bags, except as designed for use as a component part of or accessory to industrial machinery or equipment.
Flags.
Fringe and ball fringe.
Gimps.
Initials and insignia.
Labels.
Laces and embroideries.
Laces, boot and shoe.
Linens, bath, kitchen, table, and other household, including:
  Bath mats.
  Bed sheets.
  Bridge sets.
  Doilies and doily sets.
  Dresser sets.
  Napkins.
  Tablecloths.
  Pillow slips and cases.
  Place mats and luncheon sets.
  Scarves and runners.
  Towels and towel sets.
Looper clips.
Nets, seines (except hand nets), including:
  Fish.
  Laundry.
  Mosquito.
  Sports.
Notion novelties, including:
  Powder puffs.
  Sachets.
Pads and padding, including:
  Bed.
  Ironing board.
  Mattress.
  Table.
Pennants.
Pot holders.
Slipcovers, except glider covers and automobile seat covers, including:
  Chair.
  Sofa.
  Studio couch.
Soles and sole materials.
Tags.
Tapestries.
Tents.
Ticks and ticking.
Tracing cloth.
Upholstery filling.
Wadding.
Webbing, tape (except surgical adhesive tape), braid, cord (elastic and non-elastic), except fabricated covered rubber thread.
Welts.
Wicking.

(q) Raw and processed textile waste materials consisting of 50 percent or more, by weight or material cost, of cotton, silk, synthetics, or combinations thereof.

(r) Sales at wholesale or retail, except sales in the territories and possessions of the United States, of all articles described in the categories set forth in Appendix B to Ceiling Price Regulation 7—Retail Ceiling Prices for Certain Consumer Goods, regardless of whether their ceiling prices have been determined under the General Ceiling Price Regulation or under CPR 7. (A sale at wholesale or retail is a sale by a person who buys an article and resells it without substantially changing its form.)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This amendment is effective February 6, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1383; Filed, Feb. 6, 1953; 4:51 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 15]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 15 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 5 is one of the actions by which OPS is carrying out that instruction.

GOR 5 was issued to provide a single listing of consumer durable goods and related commodities as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control all furniture, including but not limited to household, office, restaurant, professional, and public building furniture. It further provides that all consumer durable goods and related commodities for which price ceilings have previously been suspended are now exempt from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

Article II of General Overriding Regulation 5, Revision 1, is hereby amended in the following respects:

1. Section 2 is amended by adding thereto the following sentence: "However, any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record."

2. Section 4 is amended to read as follows:

SEC. 4. *Furniture.* All furniture, including but not limited to household, office, restaurant, professional, and public building furniture.

3. A new section 20 is added to Article II to read as follows:

SEC. 20. *Commodities previously suspended.* All sales of consumer durable goods and related commodities as to which the application of ceiling price regulations has been suspended.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 6, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1384; Filed, Feb. 6, 1953; 4:51 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 19]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

LIVESTOCK, MEATS, FISH, RESTAURANTS AND DISTRIBUTION REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order No. 2, and Economic Stabilization Agency General Order No. 5, Revision, this Amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 7, Revision 1 (GOR 7), is one of the actions by which OPS is carrying out that instruction.

GOR 7 was issued to provide a single listing of certain food and restaurant commodities as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from control.

This amendment exempts from price control the following additional items:

1. All livestock and meat sold in continental United States, including fresh, frozen and processed beef, pork, lamb, veal, mutton, sausage and horsemeat, at all levels of distribution;

2. All edible fish, including Maine sardines, canned salmon and flat lake salt herring, except processed codfish sold outside continental United States;

3. All sales by restaurants in continental United States, which sales were formerly controlled by Ceiling Price Regulations 11 and 134.

This amendment also revokes all of the meat distribution regulations.

This amendment further provides that all food and restaurant commodities for which price ceilings have previously been suspended by GOR 7 are now exempt from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

Section 4 of this regulation is a convenient listing of certain regulations which are revoked. The list is not exhaustive, and contains for the most part, regulations which are affected by this amendment.

In view of the special nature and basis of this amendment, consultation with industry representatives, including trade association representatives, was impracticable and unnecessary. In the judgment of the Director, this amendment complies with the applicable provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Section 1 of Article I is amended to read as follows:

SECTION 1. *What this revised regulation does.* The sections contained in Article II of this revised regulation exempt all sales of the commodities listed therein, unless otherwise stated, from any ceiling price regulation or distribu-

tion regulation issued by the Office of Price Stabilization and revoke certain specified regulations heretofore issued by the Office of Price Stabilization. Article II also provides for the preservation of records. The sections contained in Article III decontrol the commodities listed therein in accordance with the provisions of section 402 (d) (3) of the Defense Production Act of 1950, as amended.

2. Paragraph (a) of section 2 is amended by the addition of the following:

(4) In the continental United States, livestock and meat, including any product which contains 25 percent or more meat by weight.

3. Paragraph (b) of section 2 is amended by the addition of the following:

(2) Edible fish, except, outside continental United States, processed codfish.

4. Section 2 is further amended by the addition of new paragraphs (j), (k), (l) and (m) to read as follows:

(j) *Distilled spirits and wines.* Imported and domestic distilled spirits and wines, in bulk, by the drink, or packaged. Terms used in this section 2 (j) are contained in Article III of Ceiling Price Regulation 78, as amended, except that, as used in this section, the term "domestic" means anything produced in the continental United States, its territories and possessions and the term "imported" means anything produced outside of and introduced into the continental United States, its territories and possessions.

(k) *Cigars.* Cigars.

(l) *Processed ducks.* Processed ducks.

(m) *Soft drinks.* Soft drinks. As used in this paragraph, the term "soft drinks" means non-alcoholic beverages in bottles or in containers other than bottles, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, fresh milk drinks, coffee, tea or chocolate.

5. Article II is amended by the addition of new sections 3 and 4 to read as follows:

SEC. 3. *Records.* If you were required by General Overriding Regulation 7 or any ceiling price regulation or distribution regulation to which Article II of this regulation applies to preserve any records, you shall continue to preserve, and make available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period set forth in that regulation, all such records which you were required to have immediately prior to the date that regulation was suspended or revoked or price controls were suspended or revoked for the particular commodity concerning which you were required to preserve records.

SEC. 4. *Revocations.* The regulations listed in this section 4 and all amendments thereto and revisions thereof hitherto issued by the Office of Price Stabilization, are revoked. This revocation exempts the sales formerly covered by the following regulations from price control:

(a) *Distribution Regulations.* Distribution Regulations 1, 2 and 3 and Distribution Procedural Regulation 1.

(b) *Ceiling Price Regulations.* Ceiling Price Regulations 11, 23, 24, 25, 26, 65, 74, 78 as supplemented, 79, 85, 92, 101, 109, 129 and 134.

(c) *Supplementary Regulations to GCPR.* Supplementary Regulations 34, 43, 47, 54, 61, 65 and 79 to the General Ceiling Price Regulation.

(d) *Supplementary Regulations to CPR 22.* Supplementary Regulation 15 to Ceiling Price Regulation 22.

6. Article III, including sections 10, 11, 12, 13, and 14, is revoked.

7. Article IV is designated Article III.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 6, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1385; Filed, Feb. 6, 1953; 4:52 p. m.]

[General Overriding Regulation 3, Revision 1, Amdt. 1]

GOR 3—EXEMPTIONS OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

EXEMPTION OF LEGUME SEED INOCULANTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 1 to General Overriding Regulation 3, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 3, Revision 1, exempts from price control legume seed inoculants. As used herein, "legume seed inoculants" refer to cultures of living nitrogen-fixing bacteria intended for mixing with legume seeds prior to planting in order to increase the production of legume crops and improve the quality of the soil.

The cultures are grown in agar or other medium. Heavy suspensions of the bacteria are then mixed with a carrier such as moist humus, peat, agar or liquid. This combination comprises the commercial inoculant which farmers mix with the legume seeds just prior to planting.

In this country, legume seed inoculants are produced commercially by a small number of laboratories, seven of which account for over 95 percent of total production. These laboratories must retain specialized personnel and must be equipped for controlled production together with green house space or other suitable means for testing plants. The inoculants are perishable and must be used before their expiration dates. Some regulatory control over the industry is exercised by the United States Department of Agriculture and the laws of several states.

The total sales volume of legume seed inoculants, at the manufacturing level, is estimated to be some $4 million annually. Further, it is estimated that in most instances the inoculants represent no more than 0.1 percent of the farmers' total costs in raising and marketing legume crops.

It appears from this and other information available to the Director that the cost of legume seed inoculants is insignificant both in the cost of living and in the cost to the farmer of raising legume crops. It also appears that no significant price increases will result from this action.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 22 of General Overriding Regulation 3, Revision 1, is amended by adding at the end thereof the following paragraph:

(c) *Legume seed inoculants.* All sales of legume seed inoculants (cultures of living nitrogen-fixing bacteria intended for mixing with legume seeds prior to planting in order to increase the production of legume crops and improve the quality of the soil).

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 9, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1411; Filed, Feb. 9, 1953; 11:16 a. m.]

[General Overriding Regulation 8, Amdt. 8]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SALES OF PULPWOOD WHEN MADE BY WHOLLY OWNED PULPWOOD PROCUREMENT SUBSIDIARY TO ITS PARENT COMPANY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of pulpwood when made by a wholly owned pulpwood procurement subsidiary to its parent pulp, paper or paperboard manufacturing company. Certain pulp, paper or paperboard manufacturers, which are integrated to the extent that they produce their own wood pulp, maintain wholly owned pulpwood procurement subsidiaries which supply the parent consumers with a substantial volume of their pulpwood. In most such

instances, the subsidiary deals exclusively with its parent company in selling pulpwood which has been produced from the affiliate's own lands or controlled stumpage, or which it has purchased in the open market. Such sales have already been exempted under such pulpwood regulations as Ceiling Price Regulations 38, 102 and 107.

Many transactions described above between parent and subsidiary are on an annual basis. In some instances the relationship is such that the subsidiary operates on a break-even basis. Under these circumstances, an estimate is made at the beginning of the year as to the approximate cost of each cord of pulpwood which will be delivered to the parent consumer, and the subsidiary receives payments throughout the year on the basis of the estimate. Very frequently at the end of the year, an overall adjustment in price is made between the parent and the subsidiary so that the subsidiary will not operate at a deficit.

This amendment is made retroactive to include all sales and deliveries of pulpwood made to the parent by the subsidiary on and after January 1, 1952. This provision is necessary in order to effectuate the objective of permitting the payment of the adjustment at the end of the year which will be founded upon the total of such pulpwood transactions completed during 1952.

The issuance of this amendment will extend this exemption to all pulpwood sales involving such subsidiary-parent arrangements. Experience with the effect of this exemption in the foregoing regulations demonstrates that this amendment will permit the pulp, paper and paperboard firms not previously covered by Ceiling Price Regulations 38, 102 and 107 to continue their established accounting practices and will serve principally to permit the companies to honor long-term contracts and subsidiaries to recover losses sustained during a period when rapidly rising costs prevented accurate cost estimates. It will have little effect on the future costs of pulpwood to these consuming mills, and will not afford any company an advantage in pulpwood procurement.

Accordingly, in consideration of the above facts, the Director of Price Stabilization finds that this amendment to General Overriding Regulation 8 is generally fair and equitable and in his opinion is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respects:

1. Section 1 (a) is amended by the addition of subparagraph (6) to read as follows:

(6) Sales of pulpwood when made by wholly owned pulpwood procurement subsidiary to its parent pulp, paper or paperboard company or companies. This exemption applies to all sales and deliveries of pulpwood made by such a subsidiary to its parent company or companies on and after January 1, 1952.

2. Section 2 (a) is amended by the addition of subparagraph (9) to read as follows:

(9) "Wholly owned pulpwood procurement subsidiary" means any organization which is wholly owned by one or more pulp, paper or paperboard companies and is operated primarily for the purpose of supplying pulpwood to its parent company or companies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 8 shall become effective February 9, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1412; Filed, Feb. 9, 1953; 11:16 a. m.]

[General Overriding Regulation 14, Amdt. 38]

GOR 14—EXCEPTED SERVICES

TOWING SERVICES PERFORMED BY TUG AND BARGE OPERATORS WITHIN A SINGLE HARBOR AREA OR BETWEEN ADJOINING HARBOR AREAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 38 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control towing services performed by tug and barge operators within a single harbor or between adjoining harbor areas, including the furnishing and renting of tug boats, barges, scows, and lighters for use within such area or areas.

The majority of persons engaged in these types of operations are common carriers subject to the jurisdiction of the Interstate Commerce Commission and, as such, are exempt from price control. It is the opinion of the Director of Price Stabilization that this circumstance will negate the possibility of untoward price increases by the parties exempted from price control by this amendment since the bulk of their competition will come from parties subject to Interstate Commerce Commission rate control.

The rates and charges of this industry have little effect upon the cost of living since towing charges represent only a minute portion of the retail price of any commodity. Because of the small size of this industry little or no contribution to the stabilization program would be made by a continuation of price control in this field. Further, the continuing of price control would impose undue administrative burden upon the Office of Price Stabilization since this industry is composed of many small-scale operators using many types of equipment and operating under varying rate structures thus making rate adjustments and enforcement extremely difficult.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their views. In the judgment of the Director of Price Stabilization this amendment is fair and equitable and will serve to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended by adding at the end of paragraph (a) of section 3 a new subparagraph (135), as follows:

(135) Charges for towing services performed by tug and barge operators within a single harbor area or between adjoining harbor areas, including the furnishing and renting of tug boats, barges, scows, and lighters for use within such area or areas.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment to General Overriding Regulation 14 is effective February 9, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1413; Filed, Feb. 9, 1953; 11:16 a. m.]

[General Overriding Regulation 14, Amdt. 39]

GOR 14—EXCEPTED SERVICES

ADDITIONAL EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 39 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 39 to General Overriding Regulation 14 extends the list of exemptions contained in that regulation to include fees for the services of weighing, placing on and taking off scales, extracting samples, coopering and remarking rendered on or to bulk or part cargoes of commodities of foreign origin and which are in the process of being imported into the United States or sold or distributed after importation into the United States but before any domestic processing or fabrication.

In line with the policy of OPS to exempt services which have minor significance and negligible effect upon costs, this amendment exempts these particularly described services supplied by certain weighers and samplers. The charge for these services is quoted on imported commodities in bulk or in large lots. Charges in most cases are figured in the hundredths of one cent per pound and in some cases in the thousandths of one cent per pound. There is no evidence that decontrol of the service will have a significant adverse effect on the price level when considered in conjunc-

tion with previous decontrol of the related service of stevedoring. Exemption from control of these services present no substantial threat of diversion of materials and manpower from sellers remaining under control, and is a non-retail service which does not enter significantly into the cost of living of the average American family or into business costs.

Also exempted are rates, fees and charges for certain premium redemption facilities. It is customary for certain manufacturers to use premium coupons as a form of advertising for their products, and to pay the firm which redeems the coupons a service charge for this service, in order to divide the operating expenses among the cooperating firms. The participating manufacturers maintain the premium coupon arrangement as a form of advertising for the end products which they manufacture and sell, but the ceiling prices of the end products are governed by other ceiling regulations. The cost of the cooperative premium coupon redemption service is a very small portion of the total cost of selling and advertising such end products. Furthermore, there are only four or five companies which perform such a service as this, and the volume of the service is insignificant. This non-retail service does not enter significantly into the cost of living of the average American family or into business costs.

The control of these services involves administrative difficulties for OPS and for the sellers of these services which are disproportionate in relation to the effectiveness of the control and the contribution to the price stabilization program.

Prior to the formulation of these amendments, consultation was had with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(136) Rates, fees and charges for the services of weighing, placing on and taking off scales, extracting samples, coopering and re-marking rendered on or to bulk or part cargoes of commodities of foreign origin, which are in the process of being imported into the United States or which are sold or distributed after importation into the United States before any domestic processing or fabrication.

(137) Charges made for the cooperative redemption of premium plan coupons.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 39 to General Overriding Regulation 14 shall be effective February 9, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1414; Filed, Feb. 9, 1953; 11:16 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

SUSPENSION OF WAGE AND SALARY CONTROLS

EDITORIAL NOTE: For order suspending all regulations and orders issued pursuant to the Defense Production Act of 1950, as amended, stabilizing wages, salaries, and other compensation, see Executive Order 10434, *supra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

DETERMINATION OF SUBSISTENCE ALLOWANCE AND OTHER CRITERIA RESPECTING INSTITUTIONAL ON-FARM TRAINING

In § 21.109, paragraphs (a), (b), and (c) are amended to read as follows:

§ 21.109 *Determination of subsistence allowance and other criteria respecting institutional on-farm training.* * * *

(a) *Compensation for productive labor.* Compensation for productive labor for a veteran who performs part of his course on a farm under his own control will be derived from the farm accounting record system kept as a part of the course of instruction and shall be determined on a calendar-year basis and reported by the veteran and certified by the veteran and the instructor on VA Form 7–1922, Report of Income—Institutional on-Farm Training. In the case of the veteran who performs part of his course as the employee of another, compensation for productive labor reported to the Veterans' Administration shall include all wages paid by the farmer-trainer whether in cash or kind including allowances for food, fuel, and shelter for the use of the trainee and his family as determined by the veteran, the farmer-trainer, and the instructor. In all cases the veteran will report and certify on VA Form 7–1922 total compensation from productive labor for employment other than in pursuit of his farm training course and will give the name(s) of employer(s), inclusive dates of employment, the number of hours of work per day, per week, or per month, and the amount of earnings. Where the veteran reports any outside employment the instructor will certify as to whether such employment interfered with the veteran's training program and give reasons for his conclusions.

(b) *Estimate of anticipated compensation.* At the time a veteran begins his course of institutional on-farm training, the anticipated compensation for productive labor for one calendar year will be developed by the veteran, the farmer-trainer, and the instructor and approved and certified by the instructor and forwarded through channels, as designated by the State approving agency, to the regional office of the Veterans' Administration. Where the veteran performs part of his course on a farm under his own control, the estimate will represent the veteran's and the instructor's judgment as to the income that may be expected from productive labor on the particular farm during a calendar year in accordance with the instructions in paragraph (a) of this section. Subsistence allowance will be authorized at the rates prescribed in § 21.104 (b), which rates when added to the monthly pro rata amount of compensation for productive labor will not exceed the statutory limitations provided in § 21.105. The authorization of subsistence allowance will show an ending date as of March 31 of the succeeding year.

(c) *Annual report.* On or before March 1 of each year thereafter (see paragraph (b) of this section) a report will be rendered on VA Form 7–1922 showing the compensation received for productive labor for the preceding calendar year and the anticipated income for the succeeding calendar year as derived from the records in the veteran's farm and home accounts and certified to by the veteran and the instructor as being to the best of their knowledge and belief a correct statement in support of the veteran's claim for subsistence allowance. If compensation reports are not submitted when due, subsistence allowance will terminate on March 31, and other training benefits will be discontinued on April 30, or date of last attendance at the school, whichever occurs first. If a compensation report is submitted after benefits have been discontinued, payment of subsistence allowance may be resumed, if appropriate, and if the veteran has continued to make satisfactory progress in his course, but not earlier than the date the delinquent report is received in the Veterans' Administration. If the total amount of subsistence payments and compensation for productive labor for the period covered by the report exceeds the statutory limit prorated over such period, the excess rate shall be recovered by pro rata reduction of the payment rate established for the succeeding period based upon estimated income, which estimate should not be less than the actual income for the preceding period. However, if the excess payment was equal to or less than the amount of subsistence allowance payable for 1 month at the new rate, the excess payment will be recovered in the first 2 months of the succeeding period. The subsistence allowance to be authorized for the first 2 months of the succeeding period will be the new rate less the amount to be recovered for each month. If the established rate was less than the amount authorized by statute, the deficiency will be adjusted by a retroactive award reflecting the correct rate to which the veteran was entitled. Upon termination of training through interruption, completion, exhaustion of entitlement, or for any other reason, a final report will be promptly made of income received since the latest report, and a final subsistence allowance adjustment will be made accordingly. In those instances where a veteran in an excess payment status withdraws from training and the excess payment has not been completely liquidated, authorization action will be effected to reflect the actual rate of sub-

sistence allowance to which the veteran was entitled in the previous period or periods. If the veteran fails to submit a report as required, further training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), will be denied until the report is furnished. Any overpayment must be repaid. Reports at 4-month intervals will not be required. Subject to available entitlement, the course may be completed without subsistence allowance notwithstanding the income equals or exceeds the statutory limit.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective February 10, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-1362; Filed, Feb. 9, 1953; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 883]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the Department of the Air Force for military purposes:

TRACT 1

Beginning at a point on the mean high tide line on the easterly shore of Kotzebue Sound, from which Corner No. 6, U. S. Survey No. 2082, latitude 66° 53′ N., longitude 162° 38′ 30″ W., bears N. 10° 30′ E., 16,800 feet, thence by metes and bounds:

N. 53° 30′ E., 3,800 feet.
S. 36° 30′ W., 11,500 feet.
S. 53° 30′ W., 4,000 feet approximately, to mean high tide line on Kotzebue Sound.
Northwesterly 12,000 feet approximately, along the mean high tide line to the point of beginning.

The area described contains approximately 1,115 acres.

TRACT 2

A right-of-way 60 feet wide for an access roadway the center line of which is described as follows:

Beginning at a point on the center line of the existing road from the village of Kotzebue on approximately the ten foot contour line, from which Corner 6, U. S. Survey 2082 bears N. 15° E., 14,000 feet, thence along the ten foot contour line 3,400 feet to a point on the north boundary of Tract 1, above described.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1313; Filed, Feb. 9, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10280, 10334]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 7 of the Commission's rules to delete authority for coast stations to operate on the frequencies 4140, 6210, 8280, 12420, and 16560 kc., Docket No. 10280; and amendment of Parts 7 and 8 of the Commission's rules to delete frequencies in the band 11000–11100 kc. from those available to stations in the Maritime Mobile Service, Docket No. 10334.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of January 1953.

The Commission having under consideration its proposals in the above-entitled matters;

It appearing, that, in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notices of proposed rule making in Docket No. 10280 and Docket No. 10334, which made provision for the submission of written comments by interested parties, were duly published in the FEDERAL REGISTER on August 12, 1952 (17 F. R. 7351), and October 21, 1952 (17 F. R. 9567), respectively, and that the period for the filing of comments has now expired; and

It further appearing, that no comments on the proposed amendments have been filed; and

It further appearing, that finalization of the amendments herein ordered is urgent in order to permit timely action upon applications for renewals of licenses of affected stations which expire on February 1, 1953; and, therefore, compliance with the provisions of paragraph 4 (c) of the Administrative Procedure Act is impracticable; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective immediately, Parts 7 and 8 of the Commisssion's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 7.206 (a) is amended by inserting a footnote designator 5a preceding each of the following listed calling frequencies:

4140	8280	12420
6210	11040	16560

and by adding a footnote 5a to read as follows:

[5a] Not available after June 3, 1953.

2. Section 7.212 is amended by adding a new paragraph (d) to read as follows:

(d) After the dates hereinafter indicated a coast station shall not communicate with any mobile station which is transmitting on any radio-channel within a frequency band hereinafter indicated except solely to request the mobile station to transmit, for communication with that coast station, on an authorized radio-channel outside that frequency band; provided that this limitation shall not apply to the transmission or reception of safety communication:

Frequency band (kc):	*Date*
11000–11100	June 3, 1953

3. Section 7.304 (a) is amended by inserting footnote designator 1a preceding the listed frequency 11090 kc and by adding a footnote 1a to read as follows:

[1a] Not available after June 3, 1953.

4. Section 7.306 (c) is amended by inserting a footnote designator 5a preceding the listed frequency 11090 kc and by adding a footnote 5a to read as follows:

[5a] Not available after June 3, 1953.

5. Section 8.321 (a) (1) is amended by inserting a footnote designator 1b preceding each of the following listed frequencies:

11020	11050
11025	11055
11030	11060
11040 calling	11070

and by adding a footnote 1b to read as follows:

[1b] Not available after June 3, 1953.

6. Section 8.351 (a) is amended by inserting a footnote designator 0 preceding the listed frequency 11090 kc and by adding a footnote 0 to read as follows:

[0] Not available after June 3, 1953.

7. Section 8.355 (a) (3) is amended by inserting a footnote designator 5 after the frequency 11090 kc and by adding a footnote 5 to read as follows:

[5] Not available after June 3, 1953.

[F. R. Doc. 53-1324; Filed, Feb. 9, 1953; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

ORDER PERMITTING KILLING OF WATERFOWL OR COOT IN AGRICULTURAL AREAS OF CALIFORNIA

Basis and purpose. To permit the taking of waterfowl and coot in portions of California by farmers and others as a means of saving valuable agricultural crops now being seriously threatened by large numbers of such birds in these areas. It has been determined from investigations and information received that serious agricultural crop depredations are likely to occur in portions of the State of California and that these depredations may be alleviated and a large portion of the crops saved from serious injury or destruction by authorizing such waterfowl or coot to be taken in the affected areas.

Since the following order is an emergency measure, notice and public procedure thereon are impracticable (60 Stat. 237; 5 U. S. C. 1001, et seq.), and it shall become effective immediately.

§ 6.54 *Order permitting the killing of waterfowl or coot in agricultural areas of California.* (a) Subject to the following conditions, restrictions, and requirements, such waterfowl or coot as are found damaging crops in agricultural areas in the Imperial, San Joaquin, and Sacramento Valleys and in other agricultural areas of California may be killed by shooting with a shotgun only on or over such crops during the period or periods to be announced in accordance with this section: *Provided, however,* That no period of shooting shall extend beyond April 15, 1953. The facts as to the existence of an emergency condition in any area requiring the killing of one or more species of waterfowl or coot as contemplated in this section, the extent of the area, and the period of time during which such killing may be permitted, shall be ascertained by the Director of the Fish and Wildlife Service and announced by him by suitable publication in the FEDERAL REGISTER and in the area where the emergency exists, which finding and announcement shall be final.

(b) Such birds as are killed under the provisions of this section may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed. They may be used as food for personal use within the State of California and they may be donated to hospitals and other charitable institutions within the State for use as food, but they may not be possessed by or served as food in any restaurant, club, or other public or private eating establishment. No carcasses of birds killed hereunder may be possessed under any circumstances beyond April 20, 1953.

(c) None of the aforesaid birds may be killed (1) from any artificial blind, sink, pit, boat, motor-driven vehicle or conveyance, or any other device; or (2) by the use of decoys, traps, or nets of any description.

(d) This section does not permit the killing of any waterfowl or coot in violation of any State law or regulation. The said section is an emergency measure designed to aid in relieving depredations and is not to be construed as a reopening or extension of the open hunting season prescribed for the State of California by regulations promulgated under the Migratory Bird Treaty Act (40 Stat. 755; 16 U. S. C. 704), which open hunting season has heretofore expired.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, June 5, 1951, 16 F. R. 5385)

DOUGLAS MCKAY,
Secretary of the Interior.

FEBRUARY 3, 1953.

[F. R. Doc. 53-1312; Filed, Feb. 6, 1953; 2:06 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 921]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Missouri, on August 7 and 8, 1952, pursuant to notice thereof which was issued on August 2, 1952 (17 F. R. 7094).

By an emergency decision of the Secretary of Agriculture issued on August 20, 1952 (17 F. R. 7743) and subsequent amendment to the order effective September 1, 1952, action has been taken with respect to the differentials to be applied in the determination of the Class I price for the period from September 1952 through February 1953. Said decision reserved for later determination the remaining issues contained in the hearing record.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on January 5, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision concerning remaining issues in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto were published in the FEDERAL REGISTER on January 8, 1953 (18 F. R. 158).

No exceptions were filed to the findings and conclusions of the Acting Assistant Administrator within the period reserved therefor.

The remaining material issues of record, herein decided, related to:

(1) The relationship between the Class I milk prices fixed under the Springfield, Missouri, and the St. Louis, Missouri, milk marketing orders (Order No. 21 and Order No. 3, respectively).

(2) The separate classification and pricing during certain months of milk moved in bulk form to locations more than 125 miles from City Hall in Springfield.

(3) Provision of location differentials to producers and handlers.

(4) Payment of administrative assessment on other source milk required to be reported.

Findings and conclusions. The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. No permanent change should be made in the relationship between the Springfield and St. Louis Class I prices. The proviso that the Order No. 21 Class I price should not be less than the Order No. 3 (St. Louis) Class I price less 27 cents during the months of July through March should not be altered. The decision of the Acting Secretary issued November 21, 1951 (16 F. R. 11931) explained the basis for the relationship between the two Class I prices now contained in the Springfield order. The hearing record contains no evidence not considered previously which leads to a different conclusion. Relationships between supply and demand conditions for the two markets (Springfield and St. Louis) are continuing on substantially the same basis as they have been since Order No. 21 became effective.

The present provisions of the Springfield order are designed to keep blend prices as closely aligned as possible with those paid by St. Louis plants in the areas where the greatest amount of overlapping of the two milksheds occurs. Close price alignment is necessary in order to avoid shifting of producers from one market to the other not warranted by supply-demand conditions. The evidence indicates that the prices resulting from the present formulas have been in

as close alignment as is practically possible.

The record discloses no reason why it would be desirable to attract producers from the St. Louis market to Springfield handlers. Therefore, no change should be made in the Class I pricing provision which would increase Springfield prices relative to St. Louis prices, except that contained in the aforementioned emergency portion of this decision.

2. No change should be made in the classification and pricing of milk shipped in bulk more than 125 miles from City Hall in Springfield.

The cooperative association of milk producers which sponsored this proposal introduced considerable evidence intended to show that a large share of the milk under the Springfield order is not primarily associated with the Springfield market, but is shipped whenever used for Class I purposes to markets located more than 125 miles from Springfield. It was alleged that such sales tend to fall off rapidly early in the year, leaving such springtime production as might logically be considered to be associated therewith to be manufactured as Class II milk. This Class II milk is then pooled under the Springfield order, and allegedly reduces the blend price to producers whose milk is marketed primarily to consumers in the Springfield area. It was contended that an increase in the price of milk marketed for fluid use in other areas is necessary to offset the dilution of the pool which results when this milk remains in the Springfield area and is used in Class II.

A witness for the proponents testified that the purpose of this proposal was not to remove any producer or group of producers from the pool. This would seem to indicate that in the eyes of the proponents the adoption of the proposal would bring about greater equity among different groups of producers but would not result in withdrawal of producers from under the order.

The record is silent on this latter question as to whether such withdrawals actually would occur as a result of a provision such as that proposed. Furthermore, there is no evidence as to what effect any such withdrawals might have on the market as a whole.

Also not shown in the hearing record is the effect which such a provision might be expected to have on the volume of Class I milk in the pool. The record indicates that milk sold as Class I from Springfield to outside markets must be offered by handlers at prices which are competitive with prices of milk from other areas, otherwise Springfield pool milk cannot be marketed as Class I to these markets. The record does not provide an adequate basis for assessing what effect, if any, this proposed change in price would have on the volume of Class I milk sold in bulk to outside markets. While there was some indication that demand for fluid milk would be high in southwestern markets during the fall and winter of 1952–53, such a provision as that proposed should not be adopted on the basis of an apparently temporary market condition. Moreover, the price on all Class I milk has been increased during the emergency period as a result of the emergency action previously taken on the basis of this hearing record. In the absence of information as to long-run marketing conditions it is impossible to tell whether the adoption of this proposal, or any modification thereof, would reduce the sale of Springfield pool milk in Class I to such an extent as to result in a lower blend price to all producers.

Neither was it shown in the record that the adoption of this proposal would make available to the Springfield market milk which would otherwise not be available or that milk required for Class I use in Springfield was not made available as needed. In the absence of a clearer picture of the probable results of such an amendment it should not be incorporated into the order.

3. Location differentials should not be provided at this time to handlers or to producers. The record not only fails to provide an adequate basis for determining whether location differentials are necessary, but also fails to indicate clearly a method whereby such differentials would operate if they were deemed necessary.

The pattern of locational values of milk in the Springfield milkshed is unusually complicated. Producers throughout the milkshed now receive approximately the same blend price f. o. b. plant, regardless of where their milk is delivered. This applies likewise to St. Louis producers as well as those delivering to Springfield handlers. Handlers buying milk in the western portion of the milkshed compete with handlers regulated under the Neosho Valley order (Order No. 28) where producers prices tend to be somewhat higher. The location differentials proposed by the Greene County Milk Producers Association would tend to bring about some change in the price relationships which now exist. The record does not provide a basis for appraising what effect such a change might have on the flow of milk to different markets. Any resulting change in receipts of milk at the different plants might well necessitate some change in the pricing and perhaps other provisions of the order. What the nature and extent of additional changes should be was not shown.

The method of application of the proposal for location differentials is somewhat obscure. The proposal provides that such differentials apply to milk received at "receiving platforms." There is little evidence, however, as to what is meant by the term "receiving platform" and no evidence as to whether any such platforms are being used in the Springfield milkshed. Also not clear is how such differentials would be applied to diverted milk or milk moved in various forms.

In the absence of a more complete description of the intended application of the proposals for differentials and the effects of their adoption, no action of this nature should be taken.

4. No change should be made at this time in the administrative assessment provision of the order. The proponent of the proposal to make such change was apparently under the impression that an administrative assessment is levied against ungraded milk received at the plants of handlers. Since this is not the case, the effect of the proposed amendment would be only with respect to receipts of graded other source milk which is a minor item in the Springfield market. The record does not contain evidence as to whether an administrative assessment should be paid on any part or all of the other source graded milk in Springfield.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 5th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1364; Filed, Feb. 9, 1953; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATRE TELEVISION SERVICE

NOTICE OF REVISED PROCEDURE

In the matter of allocation of frequencies and promulgation of rules and regulations for a theatre television service; Docket No. 9552.

In the portion of this hearing held in October 1952 the parties made two proposals as to the possible location of a theatre television service in the radio spectrum. These proposals are contained in Exhibit 14. Proposal No. 1 was to allocate the frequencies from 5925 to 6285 mc for the exclusive use of theatre television. Suggestions were made concerning moving the present occupants of those frequencies. It was suggested in that exhibit that, if the exclusive allocation of frequencies proposed was considered undesirable by the Commission, the frequencies assigned to theatre television could be used by others on a non-interfering basis, i. e., theatre television would be the primary user, and use by other services within the band would be predicated upon a showing that interference would not be caused to the theatre television interests. Proposal No. 2 was an alternative proposal, if it was decided that the exclusive or priority type of allocation for theatre television contained in Proposal No. 1 was not feasible. In that event, Proposal No. 2 suggested that provision for theatre television be made in the rules on a frequency-sharing basis with the industrial services. It was suggested that this could be accomplished by classifying theatre television as an industrial radio service and expanding the 6575 to 6875 mc band downward to include 6425 to 6575 mc for theatre television requirements.

In the summaries of testimony filed with the Commission on January 12, 1953, it is stated that S. H. Fabian will testify "that it is the recommendation of the National Exhibitors Theatre Television Committee that the inter-city and intra-city theatre television licensees

should be special common carriers." In the summary of testimony of Mitchell Wolfson it is stated that he will "support Mr. Fabian's recommendation that the licensees of theatre television be special common carriers and that there be no special 'eligibility' requirements or restrictions other than the statutory ones."

On January 15, 1953, the Western Union Telegraph Company filed with the Commission a petition requesting the Commission to issue an order in this proceeding providing for an investigation pursuant to the provisions of section 201 (a) of the Communications Act of 1934, as amended, looking toward a determination as to whether it is necessary or desirable in the public interest that there be physical connections and through routes between common carriers and the charges applicable thereto and the divisions of such charges in the event that the Commission should determine that a theatre television service should be established on a common carrier basis.

On January 21, 1953, the Motion Picture Association of America, Inc. and the National Exhibitors Theatre Television Committee filed a statement concerning Western Union's petition wherein it was stated that those parties believed it would be appropriate for the Commission to grant that petition. In this statement the following appears:

> It is the primary objective of the Motion Picture Association of America, Inc., and the National Exhibitors Theatre Television Committee in this proceeding to secure an exclusive allocation of spectrum in the microwave bands sufficient to permit the establishment of a nation-wide competitive theatre television service, including intercity relay transmission systems and local pick-up and distributing systems. It is the desire of the above organizations that frequencies be allocated on such a basis as to permit the establishment of such theatre television transmission services on a private non-common carrier basis. The possible forms such services might take will be the subject of testimony, and of statements by counsel at the forthcoming hearings herein, scheduled to resume on January 26, 1953.

It thus appears that the National Exhibitors Theatre Television Committee and Motion Picture Association of America have suggested that a theatre television service should be established on a "special common carrier" basis at certain points in this proceeding and on a "private non-common carrier basis" at another time. Likewise, these parties have suggested that frequencies presently allocated to common carrier fixed services (5975 to 6285 mc) should be allocated for the exclusive use of theatre-television or on a theatre-television primary use basis with use by other common carriers on a non-interfering basis. However, the parties have also suggested theatre television might be classified as an industrial radio service and share frequencies with the operational services. While the parties have presented testimony concerning engineering and frequency allocation considerations involved in determining which frequencies, if any, should be allocated for use by a theatre television service, there has been no explanation of other factors involved in the suggestions which these parties have made, nor does it appear from a review of the summaries of testimony yet to be presented that these parties plan to present testimony on these matters in the remaining portion of this hearing, other than testimony to the effect that theatre-television licensees should be "special common carriers."

In view of the foregoing questions, the Commission is unable to determine at this time whether the continuation of this proceeding as presently constituted would serve any useful purpose.

It is therefore ordered, That the notice of Procedure and Order of testimony issued herein on January 23, 1953, is amended to the extent that following the conclusion of direct testimony on the engineering and cost phases of this proceeding, the Commission will hear statements from counsel for the National Exhibitors Theatre Television Committee and Motion Picture Association of America before determining whether to proceed further with this hearing in accordance with that notice.

Counsel for National Exhibitors Theatre Television Committee and Motion Picture Association of America are requested to address themselves to the apparent inconsistencies in the record to date as above reflected and to deal particularly with the following questions:

1. Assuming a common carrier, offering only a theatre television service, is eligible to use existing common carrier allocations for such a purpose, why is it not feasible for theatre television to operate on the frequencies already allocated to common carrier services?

2. Why should common carrier frequencies be allocated to a theatre television service on an exclusive or primary use basis, and what justification is there for displacing other present users of those frequencies? What would be the nature of the "special common carrier" to which reference has been made?

3. Why is it deemed feasible to share frequencies in the industrial services but not in the common carrier services?

4. Under what concept would a theatre television service be established as an industrial service? What standards of licensee eligibility (not qualifications of particular applicants) would apply to applicants for licenses in such a service? What limitations, if any, would apply with respect to the persons or customers to whom such a service would be supplied?

5. What evidence will be introduced showing the extent, if any, to which frequencies allocated for a theatre television service will be applied for, by whom such applications would be filed, and when?

6. In addition to the cost evidence so far presented, which relates to the cost of transmission facilities only, what evidence will you introduce to show all the other costs of service, e. g., costs of production, etc., which will make it possible to determine the magnitude of ultimate cost of admission to a theatre patron?

7. What percentage of the time do you estimate programs would be shown by theatre television on a day-by-day basis?

8. Is it proposed that a theatre television service will provide programs of only live events, i. e., of programs that cannot reasonably be placed on film?

Adopted: January 29, 1953.

Released: January 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1318; Filed, Feb. 9, 1953; 8:46 a. m.]

[47 CFR Part 3]

[Docket No. 10381]

RADIO BROADCAST SERVICES

TABLE OF TELEVISION CHANNEL ASSIGNMENTS

In the matter of amendment of § 3.606 (b) *Table of assignments,* rules governing television broadcast stations; Docket No. 10381.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by Robert R. Thomas, Jr., Oak Hill, West Virginia, on January 7, 1953, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the table and is not within 15 miles of a city so listed nor would the proposed assignment require any other changes in the table, it is proposed to amend § 3.606 (b) *Table of assignments,* rules governing television broadcast stations, as follows:

a. Add to table of assignment under the State of West Virginia:

	Channel No.
Fayetteville	4

b. Amend the table of assignments under State of North Carolina as follows: [1]

	Channel No.
Chapel Hill	*4+

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 27, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments

[1] This change required by the addition of Channel 4 to Fayetteville is merely with respect to the offset carrier requirement.

may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 28, 1953.

Released: January 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1316; Filed, Feb. 9, 1953; 8:45 a. m.]

[47 CFR Part 3]

[Docket No. 10382]

RADIO BROADCAST SERVICES

TABLE OF TELEVISION CHANNEL ASSIGNMENTS

In the matter of amendment of § 3.606 (b) *Table of assignments*, rules governing television broadcast stations; Docket No. 10382.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by the Mount Mitchell Broadcasters, Inc., Clingmans Peak, Yancey County, North Carolina, January 14, 1953, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the table and is not within 15 miles of a city so listed nor would the proposed assignment require any other changes in the table, it is proposed to amend § 3.606 (b) *Table of assignments*, rules governing television broadcast stations, as follows:

Add to table of assignments under the State of North Carolina:

	Channel No.
Burnsville	18

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 27, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 28, 1953.

Released: January 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1317; Filed, Feb. 9, 1953; 8:46 a. m.]

[47 CFR Part 6]

[Docket No. 10380]

PUBLIC RADIO COMMUNICATIONS SERVICES (OTHER THAN MARITIME MOBILE)

FREQUENCY TOLERANCES

In the matter of amendment of § 6.30 of the Commission's rules concerning frequency tolerances; Docket No. 10380.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 6.30 of the Commission's rules and regulations sets forth a table of frequency tolerances applicable to fixed public service operations in the frequency range below 200 kc, between 1500 and 6000 kc, between 6000 and 30,000 kc and above 30,000 kc. As set forth hereinafter, it is proposed to amend this section of the rules to conform, with minor variations, to the Table of Frequency Tolerances set forth in Appendix 3 of the Radio Regulations, Atlantic City 1947, such amendments to become effective on May 1, 1953, as agreed to in the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

3. Appendix 3, Atlantic City, provides that the frequency tolerance applicable to fixed stations operating on frequencies from 10 to 50 kc shall be 0.1 percent and on frequencies from 50 kc to 535 kc shall be 0.02 percent. The Commission proposes to adopt these tolerances without change in the amended rule.

4. Appendix 3 also provides that fixed stations operating on frequencies from 1605 to 4000 kc shall observe frequency tolerances of 0.005 percent when power is above 200 watts and 0.01 percent when power is below 200 watts. For the frequency range from 4000 kc to 30,000 kc, Appendix 3 requires that the tolerances for fixed station operations shall be 0.003 percent for power above 500 watts and 0.01 percent for power below 500 watts. As set forth in the Appendix attached hereto, the Commission proposes to establish the required tolerance in these two ranges at 0.003 percent. From information available to the Commission it appears that equipment used in the international fixed public service is capable of maintaining this tolerance and that it would be in the interest of good frequency utilization to require observance of this tolerance for operations on all frequencies between 1605 and 30,000 kc.

5. Existing § 6.30 of the rules establishes tolerances for operations above 30,000 kc. At present there are no International Fixed Public Service stations operating on a regular basis on frequencies above 30,000 kc. Therefore, it is not proposed to provide tolerance requirements for frequencies above this value at this time.

6. The proposed amendment is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

7. Any interested party who is of the opinion that the proposed amendment should not be adopted may file with the Commission, on or before March 2, 1953, a written statement or brief setting forth his comments. Persons desiring to support the proposal may also file comments by the same date. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 28, 1953.

Released: January 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend § 6.30 to read as follows:

§ 6.30 *Tolerances.* The operating frequency of stations in the International Fixed Public Radiocommunication Service shall be maintained within a tolerance of plus or minus the assigned frequency as follows:

Frequency range:	*Tolerance (percent)*
10 to 50 kc	0.1
50 to 535 kc	0.02
1,605 to 30,000 kc	0.003

[F. R. Doc. 53-1319; Filed, Feb. 9, 1953; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Customs Delegation Order No. 2; T. D. 53195]

CERTAIN FIELD OFFICERS, CUSTOMS SERVICE

DELEGATION OF AUTHORITY TO ADMINISTER OATHS AND TO DESIGNATE CUSTOMS OFFICERS AND EMPLOYEES UNDER THEIR SUPERVISION TO ADMINISTER OATHS

FEBRUARY 4, 1953.

By virtue of the authority vested in me by Treasury Department Order No. 165 (T. D. 53160, 17 F. R. 11705), I hereby authorize all principal field officers of the Customs Service, their chief assistants, and such other customs officers as may be designated in writing by such principal officers, to administer oaths required by law or regulation in respect of any matter coming before them in the performance of their official duties.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 53–1323; Filed, Feb. 9, 1953; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 119]

MARION DUDEK

ORDER TERMINATING SUSPENSION ORDER AND RESTORING EXPORT PRIVILEGES

In the matter of Marion Dudek, New Orleans, Louisiana, respondent; Case No. 119.

After due hearing an order was entered against the above-named respondent, and others, on February 13, 1952 (17 F. R. 1623) denying and declaring him ineligible to obtain or use validated or general export licenses and to participate in any capacity, directly or indirectly, in any exportation of any commodity from the United States to any destination for an indefinite period and until such time and upon such conditions as the Office of International Trade would, upon application, reinstate him and restore the export privileges denied him by the terms of said order, provided more than sixty (60) days had elapsed from the date of the order. Said order extended also to any person, trade name, firm, corporation, or other business organization with which said respondent then or during the period of such order would be related by ownership or control or with which said respondent might hold a position of responsibility involving the receipt, handling, financing, transporting, or other servicing of commodities exported from the United States or the supervision of any person so engaged.

The said respondent has applied for restoration of export privileges denied to him by said order by petition dated January 27, 1953, and supplemental petition dated February 2, 1953, setting forth therein the grounds on which such relief is requested, including the allegation that more than sixty days has elapsed since the entry of said order.

The grounds alleged in said petition, as supplemented, have been carefully examined, and it appears therefrom that respondent has furnished good and sufficient reason and shown cause why said order should be terminated as to him and the privileges relating to exports denied to him by the provisions of said order fully restored.

Accordingly, on the petition of January 27, 1953, and the supplemental petition of February 2, 1953, and upon the entire record herein, it is resolved that said order of February 13, 1952, as it applies to the above-named respondent should be terminated and said respondent's export privileges reinstated: *Now, therefore, it is ordered:*

That the order of February 13, 1952, as it applies to respondent Marion Dudek be terminated and discontinued and that the privileges denied to said Marion Dudek under the provisions of said order applicable to him be and the same are hereby restored and reinstated from the date hereof.

Dated: February 4, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 53–1325; Filed, Feb. 9, 1953; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8836]

HARBENITO BROADCASTING CO. (KGBS)

ORDER SUBSTITUTING PARTY TO PROCEEDING

In re application of Harbenito Broadcasting Co. (KGBS), Harlingen, Texas, for construction permit; Docket No. 8836, File No. BT–6350.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1953;

The Commission having under consideration a petition filed January 9, 1953, by the Metropolitan Television Company, Denver, Colorado, requesting that it be substituted as a party in the above-entitled proceeding in place of the National Broadcasting Company, Inc., and that its notice of intention to participate in oral argument be accepted; and

It appearing, that the second Initial Decision in the above-entitled matter was released on July 23, 1952, and that the Commission has scheduled oral argument thereon to be held on February 16, 1953; and

It further appearing, that the National Broadcasting Company, a party to the above-entitled proceeding as the licensee of Station KOA, Denver, Colorado, filed exceptions to the aforementioned Initial Decision and requested oral argument thereon; that on August 27, 1952 the Commission authorized the assignment of the license of Station KOA from the National Broadcasting Company, Inc., to the Metropolitan Television Company; and that in the instant proceeding the Metropolitan Television Company, desiring to succeed to the rights of the National Broadcasting Company, Inc., as an exceptor and to participate in oral argument, has adopted as its own the exceptions heretofore filed by the National Broadcasting Company, Inc.;

It is ordered, That (1) the above-described petition of the Metropolitan Television Company is granted; (2) the Metropolitan Television Company is substituted as a party to the above-entitled proceeding in place of the National Broadcasting Company, Inc.; and (3) the notice of the intention of Metropolitan Television Company to participate in oral argument therein is accepted.

Released: January 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1320; Filed, Feb. 9, 1953; 8:46 a. m.]

[Docket No. 10089]

JAMES M. TISDALE (WVCH)

ORDER CONTINUING HEARING

In re application of James M. Tisdale (WVCH), Chester, Pennsylvania, for construction permit; Docket No. 10089, File No. BP–8100.

The Commission having under consideration a motion filed on January 22, 1953, by Key Broadcasting Corporation, which is a party respondent in this proceeding, requesting a continuance of the hearing which is presently designated to commence on February 18, 1953;

It appearing that the moving party's engineering witness cannot be available on the date designated for hearing because of prior commitments; and

It further appearing that there is no opposition to the motion from the applicant, the other respondent or the Commission's Broadcast Bureau;

It is ordered, This 30th day of January, 1953, that the hearing is continued to March 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1322; Filed, Feb. 9, 1953; 8:46 a. m.]

[Docket Nos. 10289–10292]

HEAD OF THE LAKES BROADCASTING CO. ET AL.

ORDER AMENDING ISSUES

In re applications of Head of the Lakes Broadcasting Co., Superior, Wisconsin,

Docket No. 10289, File No. BPCT–621; Red River Broadcasting Co., Inc., Duluth, Minnesota, Docket No. 10290, File No. BPCT–903; for construction permits (Channel 3) for new television stations; Ridson, Incorporated, Superior, Wisconsin, Docket No. 10291, File No. BPCT–728; Lakehead Telecasters, Inc., Duluth, Minnesota, Docket No. 10292, File No. BPCT–981; for construction permits (Channel 6) for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January, 1953;

The Commission having under consideration (1) a request filed August 11, 1952, by Head of the Lakes Broadcasting Company for deletion of the issue in the Channel 3 Duluth-Superior proceeding relating to the legal qualifications of the applicants;[1] (2) a request filed November 5, 1952 by Red River Broadcasting Company for deletion of the 307 (b) issue now specified in the Channel 6 Duluth-Superior proceeding,[2] and opposition thereto by Ridson, Incorporated; (3) a petition filed November 6, 1952 by Head of the Lakes Broadcasting Company for inclusion of a section 307 (b) issue in the Channel 3 proceeding, and opposition thereto by Red River Broadcasting Company; and (4) a petition filed November 10, 1952 by Head of the Lakes Broadcasting Company seeking consolidation of the applications in the separate Channel 3 and Channel 6 Duluth-Superior proceedings and waiver of procedural rules, and oppositions thereto by Ridson, Incorporated, by Lakehead Telecasters, Inc., and by the Chief of the Commission's Broadcast Bureau; and

It appearing, that since the filing of the Head of the Lakes request for deletion of the issue concerning the legal qualifications of the applicants in the Channel 3 proceeding, the parties have entered into a stipulation which, in effect, renders this request moot; and

It further appearing, that Red River Broadcasting Company is an applicant for Channel 3 in Duluth, and therefore has no standing to request deletion of the 307 (b) issue in the Channel 6 Duluth-Superior hearing; and that, in any event, Duluth and Superior are hyphenated communities for the purposes of the Commission's Table of Assignments, and the 307 (b) issue is therefore appropriate; and

It further appearing, that with respect to Head of the Lakes' petition for inclusion of a section 307 (b) issue in the Channel 3 proceeding, Head of the Lakes requests the use of Channel 3 in Superior and Red River requests the use of the same channel in Duluth; that the applicants in the Channel 3 proceeding therefore seek authority to establish television facilities in different communities which are hyphenated for the purposes of the Commission's Table of Assignments; and that it is therefore appropriate for the Commission to consider such applications in the light of section 307 (b) of the Communications Act; and

It further appearing, that with respect to the Head of the Lakes petition for consolidation of the applications in the Channel 3 and Channel 6 proceedings and for waiver of the Commission's rules, the procedure of separate hearings on a channel-by-channel basis is in accordance with Paragraph 991 of the Commission's Sixth Report and Order adopted April 14, 1952; that, as set forth therein, the Commission adopted this policy "in order to expedite the procedure with respect to the licensing of new television broadcast stations * * *", and specifically stated therein that "applications will be considered for grant only on the specific channel designated therein" and that "hearings held because of conflicts in channel requests within any city or hyphenated community will be limited to the applicants seeking the same channel"; that § 1.371, footnote 10 (i) of the Commission's rules, implements the foregoing provisions of Paragraph 991 of the Commission's Sixth Report and Order providing for processing and hearings on a channel-by-channel basis; and that in accordance with this rule, hearings with respect to other hyphenated communities are proceeding on a channel-by-channel basis; and

It further apearing, that there is no conflicting demand for a television channel as between the petitioner seeking Channel 3 in Superior and Ridson, Incorporated seeking Channel 6 in Superior; that the petitioner's application does not involve electrical interference with that of Ridson, Incorporated; that sections 309 (a) and 307 (b) of the Communications Act do not require the Commission to consider the applications as mutually exclusive or to afford petitioner a comparative hearing in a factual situation of this kind; and that the Commission In the Matter of Big Sioux Broadcasting Co., et al., 3 RR 1407, and In the Matter of Beloit Broadcasters, Inc., 4 RR 90, explored the substantive questions raised by the petitioner herein, and although these previous decisions related to standard broadcast applications rather than television, the principles enunciated therein are applicable to the instant petition requiring its denial;

Accordingly, it is ordered, That the above-described request of Head of the Lakes Broadcasting Company for deletion of the issue relating to the legal qualifications of the applicants is dismissed as moot; and

It is further ordered, That the above-described request of the Red River Broadcasting Company, Inc., for deletion of the 307 (b) issue in the Channel 6 proceeding is denied; and

It is further ordered, That the above-described petition for consolidation filed by Head of the Lakes Broadcasting Company is denied; and

It is further ordered, That the above-described petition of Head of the Lakes Broadcasting Company for inclusion of a 307 (b) issue in the Channel 3 proceeding, is granted, and that the Commission's order of July 11, 1952, designating for hearing the above-entitled applications of Head of the Lakes Broadcasting Company and Red River Broadcasting Company, Inc., is amended so that Issue No. 5 is renumbered as Issue No. 6 and a new Issue No. 5 is added as follows:

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if either, of these applicants would provide the more fair, efficient and equitable distribution of radio (television) service.

Released: February 2, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1321; Filed, Feb. 9, 1953; 8:46 a. m.]

[1] This request is contained in a Petition to Enlarge Issues filed August 11, 1952. Other portions of this petition were disposed of in the Commission's memorandum opinion and order of October 16, 1952 (FCC 52–1324; 81419).

[2] This request is set forth in a Response filed November 5, 1952 by Red River to the motion of Head of the Lakes for leave to amend its application. In the Examiner's order of November 6, 1952 (FCC 52M–575), granting the amendment, it is noted that the request for the deletion of the section 307 (b) issue must be determined by the Commission.

FEDERAL POWER COMMISSION

[Docket No. G–1158]

WILLMUT GAS & OIL CO. ET AL.

ORDER FURTHER POSTPONING ORAL ARGUMENT

FEBRUARY 3, 1953.

In the matter of Willmut Gas & Oil Company, et. al. v. United Gas Pipe Line Company; Docket No. G–1158.

By order issued January 15, 1953, the Commission postponed the oral argument scheduled to be had on January 30, 1953, in this proceeding to February 13, 1953, at the place and hour heretofore designated in the order issued herein on January 7, 1953.

The Commission finds: Orderly disposition of matters now pending before the Commission requires and good cause exists for the Commission upon its own motion to further postpone the date of oral argument in this proceeding as hereinafter ordered.

The Commission orders: The oral argument in this proceeding now scheduled for February 13, 1953, be and the same hereby is postponed to February 20, 1953, at the place and hour heretofore designated in the order issued herein on January 7, 1953.

Date of issuance: February 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1354; Filed, Feb. 9, 1953; 8:50 a. m.]

[Docket No. G–2115]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 4, 1953.

Take notice that on January 26, 1953, El Paso Natural Gas Company (Appli-

cant), a Delaware Corporation with its principal office in El Paso, Texas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes the construction and operation of a measuring and regulating station located on Applicant's existing 24-inch San Juan pipeline near valve No. 32 in the Northeast Quarter of section Twenty-six, Township Twenty-two North, Range Five East, Coconino County, Arizona, for the sale of approximately 17,297 Mcf of natural gas per year to Southern Union Gas Company by the third year of operation for resale to residents of the Wherry Housing Project near Bellemont, Arizona.

The estimated cost of the facilities which Applicant proposes to construct and operate is $6,900. Applicant proposes to finance these additional facilities from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of February 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1351; Filed, Feb. 9, 1953; 8:49 a. m.]

[Docket No. ID–1191]

CHARLES L. HULSWIT

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

FEBRUARY 4, 1953.

Notice is hereby given that on February 3, 1953, the Federal Power Commission issued its order entered January 29, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1352; Filed, Feb. 9, 1953; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 3, 1953.

[F. R. Doc. 53–1314; Filed, Feb. 9, 1953; 8:45 a. m.]

[1] See Title 43, Chapter I, Appendix, PLO 883, *supra.*

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–1482, 7–1483]

MERCK & CO., INC., AND TEXAS PACIFIC COAL AND OIL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in: Merck & Co., Inc., Common Stock, 16⅔¢ Par Value, 7–1482; Texas Pacific Coal and Oil Company, Common Stock, $10 Par Value, 7–1483.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1953.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, 16⅔¢ Par Value, of Merck & Co., Inc., registered and listed on the New York Stock Exchange; and the Common Stock, $10 Par Value, of Texas Pacific Coal and Oil Company, registered and listed on the New York Stock Exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 24, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1329; Filed, Feb. 9, 1953; 8:48 a. m.]

[File No. 70–2984]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER & LIGHT CO.

ORDER AUTHORIZING INCREASE IN AUTHORIZED COMMON STOCK AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

FEBRUARY 4, 1953.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary, Mississippi Power & Light Company ("Mississippi"), having filed an application-declaration pursuant to sections 6 (a), 7, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder with respect to the following transactions:

Mississippi has presently outstanding 2,100,000 shares of common stock without nominal or par value, all of which are owned by Middle South. Mississippi proposes to issue and sell to Middle South and Middle South proposes to acquire 500,000 additional shares of such common stock at an aggregate purchase price of $3,000,000. Concurrently with the completion of the sale of its common stock, Mississippi proposes to transfer $2,000,000 from earned surplus to its common capital stock account.

Mississippi has authorized under its charter only 2,500,000 shares of common stock so that it is presently in a position to issue only 400,000 additional shares of such stock. Mississippi proposes to amend its charter at a special meeting of stockholders to be held on or about February 9, 1953, so as to increase its authorized shares of common stock to 5,000,000 shares.

The proceeds from the sale of its common stock will be used by Mississippi to finance, in part, its extensive program for the construction of new facilities and extensions and improvements of its present facilities.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration be, and hereby is, granted and permitted to be-

come effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1328; Filed, Feb. 9, 1953; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Gen. Order 4, Amdt. 2]

ORGANIZATION AND FUNCTIONS OF OFFICE OF ECONOMIC STABILIZATION ADMINISTRATOR

1. *Legal basis.* By virtue of the authority vested in the Economic Stabilization Administrator by E. O. 10161 of September 9, 1950 (15 F. R. 6105), as amended; E. O. 10182 of November 21, 1950 (15 F. R. 8013), as amended; E. O. 10205 of January 16, 1951 (16 F. R. 419); E. O. 10233 of April 21, 1951 (16 F. R. 3503); E. O. 10276 of July 31, 1951 (16 F. R. 7535), as amended; E. O. 10281 of August 28, 1951 (16 F. R. 8789); E. O. 10290 of September 24, 1951 (16 F. R. 9795); E. O. 10293 of September 27, 1951 (16 F. R. 9927); E. O. 10377 of July 25, 1952 (17 F. R. 6891); and E. O. 10433 of February 4, 1953, this revision of previous redelegations of authority by the Economic Stabilization Administrator (16 F. R. 10009; 16 F. R. 12411; 17 F. R. 8408) is hereby issued.

2. The first three sentences of section 3.06 of General Order No. 4, dated May 1, 1951, are revised to read as follows:

.06 *Operations Office.* The Operations Office shall be headed by the Assistant Administrator who shall be the chief executive officer of the Economic Stabilization Agency. He will serve in a chief of staff capacity for the Office of the Economic Stabilization Administrator, with responsibility for all staff activities and general supervision over all personnel of the Office of the Administrator. The Deputy Assistant Administrator (Operations) shall exercise direct supervision over the activities of the following units: * * *

3. The present section 3.07 of General Order No. 4, Amendment 1 (Revised), September 16, 1952, and section 4 of General Order No. 4, dated May 1, 1951, are revoked. New sections 4, 5 and 6 are inserted as follows:

SEC. 4. *Redelegation to Assistant Administrator.* .01 Such redelegable functions delegated to the Administrator by the foregoing Executive orders are hereby further redelegated to the Assistant Administrator for the purpose of effectuating the President's program in the economic stabilization area, involving achievement of the following major objectives:

1. Orderly termination of wage, salary and price controls;

2. Orderly liquidation of the agencies whose programs are terminated, providing for the transfer of residual or continuing functions to appropriate continuing agencies;

3. Planning and developing policies and measures necessary for the stabilization of prices and wages in the event of an emergency requiring the reimposition of controls;

4. Reviewing and directing the rent control program consistent with broad policies established by the President and with the delegation provided in General Order No. 9, as amended.

In the performance of these delegated functions, the Assistant Administrator shall, where possible, submit to the Administrator those policy decisions which in his judgment are sufficiently major to require the attention of the Administrator.

SEC. 5. *Unavailability of the assistant administrator.* .01 The redelegable functions delegated to the Assistant Administrator by the foregoing are hereby further redelegated to the following officers of this Agency, under the circumstances, and in the alternative order described below:

1. In the event of the unavailability of the Assistant Administrator then to the Deputy Assistant Administrator (Operations);

2. In the event of the unavailability of the Assistant Administrator and the Deputy Assistant Administrator (Operations) then to the General Counsel.

The foregoing redelegated authority, in the order of alternatives described above, shall be exercised by the officer acting under said authority, as Acting Assistant Administrator.

SEC. 6. *Effect on other orders.* .01 Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby superseded or amended accordingly.

This amendment shall be effective immediately.

Issued: Washington, D. C., February 6, 1953.

ARTHUR S. FLEMMING, *Economic Stabilization Administrator.*

[F. R. Doc. 53-1394; Filed, Feb. 9, 1953; 8:55 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 5]

GENERAL MOTORS CORP.

CEILING PRICES FOR WHOLESALE LABOR WARRANTY SERVICES ON MODEL ARO-33 AND MODEL ARO-75 AIR CONDITIONERS

Statement of considerations. This Special Order 5, issued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes the ceiling price for first-year wholesale labor warranty services rendered to General Motors Corporation, or its authorized distributors or dealers, on Model ARO-33 and Model ARO-75 (air conditioners) by dealers who have not sold the commodity to be serviced or by central service firms.

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new model of an existing commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers, or by central service firms, to it or its distributor organization, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

Models ARO-33 and ARO-75 (air conditioners) are new models of existing commodities manufactured by General Motors Corporation which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers or by central service firms to it, or its distributor organization, as an incident of the sale of commodities.

The contracts General Motors Corporation has with its authorized dealers require the dealers to provide labor warranty services to customers to whom they sell commodities, without any charge to anyone other than their mark-up on the commodity. If the dealer who sells the commodity, however, has no service department, or if one dealer sells in another dealer's service area, or if the customer moves from one service area to another, and in some other circumstances, the dealer who sells the commodity is not required to provide such warranty services, but he is required to pay a uniform price, set by General Motors Corporation, to his distributor who in turn will pay that price to another dealer, or to a central service firm, to provide such labor warranty services. When the commodity to be serviced is located in the service area of a different distributor, the distributor whose dealer sold the commodity pays the price for the labor warranty service to General Motors Corporation which in turn pays it to the distributor in whose service area the commodity is located, who in turn pays it to a dealer or central service firm to provide labor warranty services.

The ceiling price established by this Special Order is based upon anticipated direct labor costs of rendering the wholesale labor warranty service, and is in line with the ceiling prices for comparable wholesale labor warranty services furnished to General Motors Corporation. This ceiling price does not include the cost of new parts, which will be furnished by General Motors Corporation without charge to anyone.

This Special Order applies only to wholesale labor warranty services furnished to General Motors Corporation, or to its distributors or dealers, by dealers who have not sold the commodities to be serviced, or by central service firms.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 of Sup-

plementary Regulation 16 to Ceiling Price Regulation 34, this Special Order is hereby issued.

1. The ceiling price which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay for first-year wholesale labor warranty services, exclusive of new parts which will be furnished by General Motors Corporation without charge to anyone on the commodity described below, to central service firms or dealers who have not sold the commodity, and which such central service firms or dealers may charge General Motors Corporation or its distributors or dealers for such services is as follows:

Commodity:	*Ceiling price for first-year wholesale labor warranty services*
Model ARO–33	$8.50
Model ARO–75	15.00

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

3. This Special Order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1306; Filed, Feb. 4, 1953; 4:53 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 21]

GENERAL MOTORS CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED JANUARY 26, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to Cadillac Emergency Service Bulletin CD–2 of General Motors Corporation application for approval for Cadillac Emergency Service Bulletin CD–2.

The Director of Price Stabilization has determined from the data submitted by General Motors Corporation approval of Cadillac Emergency Service Bulletin CD–2 that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of Cadillac Emergency Service Bulletin CD–2 dated January 26, 1953 as covered in the General Motors Corporation application are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "approved by OPS February 5, 1953 by Special Order No. 21 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1301; Filed, Feb. 4, 1953; 4:52 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 22]

CHRYSLER CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED JANUARY 27, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to time allowances which appear in the Chrysler Corporation application for approval for interim time studies for new service operations.

The Director of Price Stabilization has determined from the data submitted by Chrysler Corporation, approval of interim time studies for new service operations that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of interim time studies for new service operations dated January 27, 1953 as covered in the Chrysler Corporation application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 5, 1953 by Special Order No. 22 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1301; Filed, Feb. 4, 1953; 4:52 p. m.]

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 23]

"COLD WALL" FRIGIDAIRE REFRIGERATORS

CHARGES FOR SERVICES FURNISHED BY DEALERS IN REPLACING UNITS

Statement of considerations. The ceiling price for services furnished by dealers in replacing units for "Cold Wall" Frigidaire refrigerators is adjusted by this Special Order pursuant to section 20 (c) of CPR 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service which is in limited supply. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers who are too numerous to make recourse to section 20 (b) of CPR 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree in writing to absorb any price increase over his seller's existing ceiling prices. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show, to the extent practicable, the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the OPS in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that applicant maintains arrangements with numerous service dealers (sellers) in replacing units for "Cold Wall" Frigidaire refrigerators. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for replacing units for such "Cold Wall" Frigidaire refrigerators will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of these services to the applicant are too numerous to make recourse to paragraph 20 (b) of CPR 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of CPR 34, as amended, this Special Order is hereby issued.

1. The application of General Motors Corporation (Frigidaire Division), General Motors Building, 3044 West Grand Boulevard, Detroit 2, Michigan (hereinafter referred to as The Company) for an adjustment of the ceiling prices which service dealers (sellers) may charge applicant for replacing units for "Cold Wall" Frigidaire refrigerators is granted as follows:

On and after the effective date of this Special Order, the ceiling price for the service of replacing units for "Cold Wall" Frigidaire refrigerators to The Company by its franchised service dealers shall be Ten Dollars ($10.00).

2. The Company may pay to the sellers the increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this Order shall be provided by The Company to the sellers of this particular service. A copy of this Order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller of this service with the appropriate District Office of the OPS with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of CPR 34.

4. All provisions of CPR 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

5. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This Order shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1304; Filed, Feb. 4, 1953; 4:52 p. m.]

[Ceiling Price Regulation 34, as Amended, Section 20 (c), Special Order 24]

GENERAL MOTORS CORP.

ADJUSTMENT OF HOURLY LABOR RATE FOR LABOR WARRANTY SERVICES FURNISHED ON CERTAIN PRODUCTS

Statement of considerations. This Special Order 24, issued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, adjusts the hourly labor rate for labor warranty services furnished to General Motors Corporation on certain products.

Section 20 (c) of Ceiling Price Regulation 34 provides that a purchaser who buys non-retail services from sellers who are too numerous to make recourse to section 20 (b) thereof practicable, and who are threatening to discontinue supplying him with such services, may, if he agrees to absorb the price increase above the ceiling, apply to the Director of Price Stabilization, Washington, D. C., for permission to pay such sellers, for supplying such services, as much as but no more than he would be required to pay other suppliers therefor. Such application will be granted only where there is no practicable recourse to section 20 (b) and only to the extent that such approval will not interfere with the purposes of the Defense Production Act of 1950, as amended.

It appears that General Motors Corporation employs numerous repair stations to render warranty services, on the parts and accessories it manufactures and which are involved in this application, on the basis of the approximate direct labor costs involved in supplying such services. These are essential, non-retail services, in limited supply, and the sellers involved are too numerous to make recourse to section 20 (b) of Ceiling Price Regulation 34 practicable. The costs of performing these services have increased since 1947 when the present price of performing them was established. Many sellers are threatening to discontinue supplying these services on the ground that the present price does not reimburse them for their actual cost of labor and miscellaneous shop supplies. The price increases granted by this special order are no more than the direct labor cost increases these sellers have generally sustained; the resulting prices do not exceed the prevailing level of prices at which the applicant could purchase the same services; and the applicant has agreed to absorb the price increases and not pass them on to his customers. These price increases will not interfere with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to Section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. On and after the effective date of this Special Order, the ceiling price which authorized repair stations of United Motors Service Division of General Motors Corporation, 3044 West Grand Boulevard, Detroit 2, Michigan, may charge General Motors Corporation, and which General Motors Corporation may pay such repair stations, for labor warranty services on the commodities listed below, which it manufactures, is $1.75 per hour:

Delco-Remy Starting-Lighting-Ignition.
Delco Storage Batteries.
New Departure Ball Bearings.
Hyatt Roller Bearings.
AC Spark Plug Speedometer-Gauges-Odometer and Fuel Pumps.
Harrison Radiators, Heaters, Defrosters.
Delco Hydraulic Shock Absorbers.
Guide Lamp Lighting Equipment.
Rochester Carburetors.
Delco Brake Shoes, Wheel and Master Cylinders, Brake Fluid and Brake Parts.
Moraine Engine Connecting Rod and Crank Shaft Bearings.

2. All requests contained in the application for adjustment under consideration are denied to the extent they are not granted herein.

3. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

4. This Special Order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order shall become effective February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1305; Filed, Feb. 4, 1953; 4:53 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 48]

CERTAIN FIELDS IN WYOMING

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Byron and Garland Fields, Big Horn County, Wyoming; Oregon Basin Field, Park County, Wyoming; and Hidden Dome Field, Washakie County, Wyoming.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Byron and Garland Fields, Big Horn County, Wyoming; Oregon Basin Field, Park County, Wyoming; and Hidden Dome Field, Washakie County, Wyoming. During the base period there was a lack of competitive factors and a temporary excess supply of heavy crude petroleum and as a result, the crude petroleum produced from the above fields was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the prices set forth in this order do not exceed the ceiling prices of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Byron and Garland Fields, Big Horn County, Wyoming; Oregon Basin Field, Park County, Wyoming; and Hidden Dome Field, Washakie County, Wyoming shall be: $1.28 per barrel for 15° API gravity and

below, increasing to $2.47 per barrel for 40° API gravity and above, as follows:

Gravity:	Price	Gravity:	Price
15–15.9	$1.28	28–28.9	$2.04
16–16.9	1.34	29–29.9	2.09
17–17.9	1.40	30–30.9	2.14
18–18.9	1.46	31–31.9	2.19
19–19.9	1.52	32–32.9	2.23
20–20.9	1.58	33–33.9	2.27
21–21.9	1.64	34–34.9	2.31
22–22.9	1.70	35–35.9	2.35
23–23.9	1.76	36–36.9	2.39
24–24.9	1.82	37–37.9	2.41
25–25.9	1.88	38–38.9	2.43
26–26.9	1.94	39–39.9	2.45
27–27.9	1.99	40 and above	2.47

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on February 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1300; Filed, Feb. 4, 1953; 4:52 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27771]

SYRUP FROM EAST ST. LOUIS, ILL., TO BOSTON, MASS., NEW YORK, N. Y., AND PHILADELPHIA, PA.

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Syrup, coloring, burnt sugar, carloads.

From: East St. Louis, Ill.

To: Boston, Mass., New York, N. Y., and Philadelphia, Pa.

Grounds for relief: Rail competition and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1345; Filed, Feb. 9, 1953; 8:48 a. m.]

[4th Sec. Application 27772]

COFFEE FROM NORTH ATLANTIC PORTS, TO BRUCETON AND ROOK, PA.

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents for carriers parties to fourth-section application No. 25291 et al.

Commodities involved: Coffee, green or roasted, carloads.

From: Boston, Mass., New York, N. Y., Baltimore, Md., Albany, N. Y., and Philadelphia, Pa.

To: Bruceton and Rook, Pa.

Grounds for relief: Rail competition, circuitous routes, port relations, and additional destinations.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1346; Filed, Feb. 9, 1953; 8:48 a. m.]

[4th Sec. Application 27773]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Cooper's Express, Inc.

Commodities involved: Semi-trailers, loaded and empty, on flat cars.

Between: Boston, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1347; Filed, Feb. 9, 1953; 8:48 a. m.]

[4th Sec. Application 27774]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN THE EAST

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the Holland Transportation Company, Inc.

Commodities involved: Semi-trailers, loaded and empty, on flat cars.

Between: New Haven, Conn., on the one hand, and Harlem River, N. Y., on the other; also between Boston, Mass., and Providence, R. I., on the one hand, and New Haven, Conn., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1348; Filed, Feb. 9, 1953; 8:48 a. m.]

[4th Sec. Application 27775]

MOTOR-RAIL-MOTOR RATES BETWEEN PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the H. P. Welch Co.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1349; Filed, Feb. 9, 1953; 8:49 a. m.]

[4th Sec. Application 27776]

ALCOHOLIC LIQUORS WITHIN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedule listed below.

Commodities involved: Alcoholic liquors and wines, carloads.

Between: Central (including Illinois territory, northern Illinois, southern Wisconsin, and extended Zone C) and trunk-line territories, on the one hand, and points in New England territory, on the other; also between central, trunk-line, and New England territories, on the one hand, and points in northern Illinois, southern Wisconsin, and extended Zone C, on the other.

Grounds for relief: Rail and motor competition, circuitous routes, and additional origins and destinations.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-943, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1350; Filed, Feb. 9, 1953; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MATTIA AND MARIA PEIROLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mattia Peirolo and Maria Peirolo, Turin, Italy; Claim No. 40360; $433.57 in the Treasury of the United States; one-half thereof to each claimant.

Executed at Washington, D. C., on February 4, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1358; Filed, Feb. 9, 1953; 8:52 a. m.]

GISELLA APPOLONI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gisella Appoloni, Paulina Paoli, Luigo Dellaidotti, a/k/a Luigo Delaidotti, as Luigi Dellaidotti and as Luigi Delaidotti, S. Lorenzo in Banale, Trento, Italy; Claim No. 35760; $2,408.34 in the Treasury of the United States; one-third thereof to each claimant.

Executed at Washington, D. C., on February 4, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1357; Filed, Feb. 9, 1953; 8:52 a. m.]

EMMA CAHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Cahn, Cologne, Germany; Claim No. 40023; $13,827.02 in the Treasury of the United States.

Executed at Washington, D. C., on February 4, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1359; Filed, Feb. 9, 1953; 8:52 a. m.]

LAURA SALVUCCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof,

the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Laura Salvucci, Bagnoli del Trigno, Campobasso, Italy; Claim No. 45695; $1200.49 in the Treasury of the United States.

Executed at Washington, D. C., on February 4, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1361; Filed, Feb. 9, 1953; 8:52 a. m.]

RENE ANXIONNAZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rene Anxionnaz, Paris, France; Claim No. 41464; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to an undivided one-half interest in United States Patent Application Serial Nos. 367,666 (now Reissue Patent No. 23,198); 367,667 (now Patent No. 2,356,557); and 220,590 (now Patent No. 2,312,995).

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to an undivided one-half interest in United States Letters Patent Nos. 2,280,765 and 2,245,954.

Executed at Washington, D. C., on February 4, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1360; Filed, Feb. 9, 1953; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 28

Washington, Wednesday, February 11, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, § 6.112 (b) (1) is amended to read as follows:

§ 6.112 *Department of Commerce.*

* * *

(b) *Office of the Secretary.* (1) Two private secretaries or confidential assistants to the Secretary of Commerce, one to each Under Secretary of Commerce, one to the Solicitor of the Department of Commerce, and one to each Assistant Secretary of Commerce.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53-1368; Filed, Feb. 10, 1953; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter F—Insecticides

[Interpretation 13]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

INTERPRETATION WITH RESPECT TO SHIPMENTS FOR EXPERIMENTAL USE; PERMIT REQUIREMENTS

On December 20, 1952, there was published in the FEDERAL REGISTER (17 F. R. 11626) an amendment of § 162.17 (7 CFR 162.17) of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 135–135k). Said amendment of § 162.17 necessitates the amendment of Interpretation 13 with respect to shipments for experimental use-permit requirements (7 CFR 162.111).

Therefore, pursuant to the authority vested in me by § 162.3 of the regulations (7 CFR 162.3) under the Federal Insecticide, Fungicide, and Rodenticide Act, said Interpretation 13 is amended to read as follows:

§ 162.111 *Interpretation with respect to shipments for experimental use; permit requirements—(a) Shipments for experimental use by certain Federal and State agencies.* The penalties provided for violation of section 3a of the act do not apply to the manufacturer or shipper of an economic poison intended only for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons. This means that a manufacturer may freely ship economic poisons for experimental use by or under the supervision of the agencies indicated without registration or any other compliance with section 3a of the act. No Federal permits for these shipments are required.

(b) *Shipments for experimental use by others.* In the case of shipments of economic poisons for experimental use only, to parties other than Federal or State agencies authorized by law to conduct research in the field of economic poisons or to those working under their supervision, the same exemption from the penalties set forth for violation of section 3a of the act exists: *Provided,* That a permit has been obtained from the Department before shipment of the goods. This provision of the act is intended to apply primarily to shipments of products which have already been found to have economic poison value, but which are being tested further, usually on a larger scale, to determine their limitations. The information about their effectiveness is usually not sufficient to enable the preparation of adequate directions for use and adequate warning statements and, therefore, suitable labeling for registration cannot be prepared without further experimentation. This experimental work may be carried out on a large scale, including treatment of many acres of crops in various sections of the country. However, it must be carried out in such a way as to avoid injury to humans and useful animals. If the economic poison is to be tested

(Continued on next page)

CONTENTS

Page

Agriculture Department
See Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Neuman, Louis, and Samuel Zoldan 848
Pavlisch, Leopoldine 848

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alterations 844

Civil Aeronautics Board
Notices:
Renewal of certain provisions of Economic Regulations and order for investigation of indirect air carriage of property 847
Rules and regulations:
Air traffic rules; definition of ceiling 844

Civil Service Commission
Rules and regulations:
Department of Commerce; exceptions from the competitive service 841

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Defense Mobilization, Office of
Rules and regulations:
Establishing the position of Assistant Director for Production; correction 845

Economic Stabilization Agency
See Price Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Average values of farms and investment limits; Idaho, North Dakota, Oregon, Utah, and Washington; loan limitations 843

Federal Trade Commission
Rules and regulations:
Benrus Watch Co., Inc.; cease and desist order 844

Interior Department
See Land Management, Bureau of.

Justice Department
See Alien Property, Office of.

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Land Management, Bureau of — Page
Rules and regulations:
Louisiana; transferring jurisdiction over the oil and gas deposits in certain lands owned by the U. S. — 846

National Production Authority
Rules and regulations:
Inventory control; miscellaneous amendments (Reg. 1) — 845

Price Stabilization, Office of
Rules and regulations:
Paper, paperboard, converted paper and paperboard products, allied products and services; exemption of manufacturers' sales of milk bottle caps and closures (GOR 8) — 845

Production and Marketing Administration
Proposed rule making:
Milk handling in Knoxville, Tenn.; hearing — 846

CONTENTS—Continued

Production and Marketing Administration—Continued — Page
Rules and regulations:
Regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; interpretation with respect to shipments for experimental use; permit requirements — 841

Securities and Exchange Commission
Notices:
Electric Bond and Share Co.; order authorizing limited acquisitions for purpose of stabilization — 848

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 — 841

Title 6
Chapter III:
Part 311 — 843

Title 7
Chapter I:
Part 162 — 841
Chapter IX:
Part 988 (proposed) — 846

Title 14
Chapter I:
Part 60 — 844
Chapter II:
Part 608 — 844

Title 16
Chapter I:
Part 3 — 844

Title 32A
Chapter I (ODM):
DMO 25 — 845
Chapter III (OPS):
GOR 8 — 845
Chapter VI (NPA):
Reg. 1 — 845

Title 43
Chapter I:
Appendix (Public land orders):
884 — 846

for a use which is likely to result in contamination of food or feed the affected food or feed must be disposed of without allowing it to be consumed by humans, or by useful animals except those used for toxicity tests, unless there is convincing evidence that the proposed use will not result in injury to them.

(c) *Sale of the product.* The economic poison may be sold to the user or may be supplied to him without charge. If it is not furnished without charge the label must bear, in addition to other required material, a statement of the names and percentages of the principal active ingredients in the product. This is intended to include the names and percentages of the ingredients commonly known as toxicants but not necessarily the names and percentages of ingredients which act primarily as solvents, emulsifiers, carriers or in a similar manner. The experimental work must be carried out by persons qualified to evaluate the results obtained. Offering the product for sale to anyone who wishes to purchase it is not considered marketing for experimental use only, and is prohibited. Products so offered will be subject to registration and all other requirements of the law.

(d) *Types of products and labeling.* (1) An economic poison shipped for experimental use may be one which has not previously been used as an economic poison, or it may be one which has had other economic poison uses and is now being tested for a new use.

(2) The labeling of all economic poisons shipped under permit must bear the following:

(i) The prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling.

(ii) A warning or caution statement if it is necessary for the protection of those who may handle or be exposed to the economic poison.

(iii) The name and address of the applicant for the permit.

(iv) The name of the formulation; and,

(v) If the economic poison is to be sold, the names and percentages of its principal active ingredients.

(e) *Specific and general permits.* (1) If a manufacturer desires to make a single shipment of an economic poison for experimental use, he may obtain a permit for that specific shipment; or

(2) If he desires to make more than one shipment of a single economic poison or closely allied economic poisons for experimental use, he may apply for a general permit. A general permit will be subject to the following limitations and may be cancelled at any time for any violation of its terms:

(i) It will be good only for a specified period of time, in no case exceeding one year.

(ii) It will be subject to the truthfulness of the representations made in the application for the permit.

(iii) It will apply only to one economic poison or closely allied group of such products. This provision is intended to include under one permit different formulations of the same material which are being tested to determine the best formulation for the particular use, but is not intended to include under one permit entirely different chemicals used as economic poisons.

(f) *Application for permits.* An application for a permit for shipment for experimental use should be made in duplicate on forms which may be obtained from the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., giving in full the following information:

(1) Name and address of the shipper and place or places from which the shipment will be made.

(2) Proposed date of shipment or proposed shipping period not to exceed one year.

(3) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(4) A statement of the approximate quantity to be shipped.

(5) Available data or information or reference to available data or information on the acute toxicity of the economic poison.

(6) A statement of the nature of the proposed experimental program, including the type of pests or organisms to be experimented with, the crops or animals for which the product is to be used, the areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the quantity requested.

(7) When food or feed is likely to be contaminated, either a full statement of action which will be taken to prevent the food or feed from being consumed, except by laboratory or experimental animals, or convincing evidence that the proposed experiment will not result in injury to man or useful animals.

(8) The percentage of the total quantity specified under subparagraph (4) of this paragraph which will be supplied without charge to the user.

(9) A statement that the economic poison is intended for experimental use only.

(10) Proposed labeling for the product.

Applications will be considered as rapidly as possible. In special cases the manufacturer may request telegraphic notification at his expense of the issuance of the permit.

(g) *Limitation of quantity of economic poison permitted for experimental use.* When the available information on the effectiveness, toxicity or other hazards inherent in a proposed experimental use of an economic poison is not sufficient to assure that it is safe under the conditions of the experiment, the full quantity requested may not be permitted or other limitations may be placed upon the permit if necessary for the protection of the public. This is intended to apply particularly if the material is to be handled and applied by people who have not been especially trained in the use of poisons or if its use on a scale as broad as that requested is likely to constitute an unwarranted hazard.

(h) *Cancellation of permits.* A permit for shipment of an economic poison for experimental use may be cancelled at any time for any violation of its terms. It may also be cancelled if it appears upon further consideration that distribution of the product under the terms of the permit constitutes a hazard to the public.

(i) *Custom mixes.* Permits will not be issued for so-called custom mixes which are ordinarily economic poisons prepared to the special formula of the user. These are not intended for experimental use, but are special economic poisons intended for special uses. When shipped in interstate commerce, they are subject to the registration and other provisions of the law.

(j) *Shipment of products not classified as economic poisons.* Section 162.17 (a) (1) provides that a product is not an economic poison when it is being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and when the user does not expect to receive any benefit in pest control. This will, in general, include products being put through so-called screening tests or preliminary tests to determine whether further tests with them are worth while; products shipped to toxicological laboratories to determine their toxicity; products sent to chemical laboratories for chemical investigation; and products shipped for tests by testing laboratories which maintain test plots solely to evaluate the effectiveness of the product and not for the value of the crops obtained. Permits are not required for shipments of products of this type and they are not subject to the provisions of the act in any way. There is no requirement for any report concerning them to the Department, except when it is necessary to report the results of the tests to support claims when they are later submitted for registration or when an application for a permit for shipment for experimental use is submitted. However, confidential progress reports will be valuable to the Department.

(Sec. 6, 61 Stat. 168; 7 U. S. C. Sup. 135d)

The foregoing interpretation shall become effective upon its publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of February 1953.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 53-1370; Filed, Feb. 10, 1953; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; IDAHO, NORTH DAKOTA, OREGON, UTAH, AND WASHINGTON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

IDAHO

County	Average value	Investment limit
Camas	$18,000	$12,000
Canyon	20,000	12,000
Clearwater	18,000	12,000
Latah	18,000	12,000
Nez Perce	18,000	12,000
Owyhee	20,000	12,000
Payette	18,000	12,000
Shoshone	15,000	12,000
Valley	16,000	12,000

NORTH DAKOTA

McKenzie	$20,000	$12,000
Williams	21,000	12,000

OREGON

Clackamas	$22,000	$12,000
Clatsop	25,000	12,000
Columbia	25,000	12,000
Coos	25,000	12,000
Crook	22,000	12,000
Curry	25,000	12,000
Deschutes	20,000	12,000
Douglas	28,000	12,000
Grant	20,000	12,000
Hood River	25,000	12,000
Jackson	25,000	12,000
Jefferson	22,000	12,000
Josephine	25,000	12,000
Klamath	25,000	12,000
Lane	25,000	12,000
Lincoln	20,000	12,000
Marion	22,000	12,000
Multnomah	25,000	12,000
Polk	20,000	12,000
Tillamook	24,000	12,000
Umatilla	20,000	12,000
Union	24,000	12,000
Washington	25,000	12,000
Wheeler	25,000	12,000
Yamhill	22,000	12,000

UTAH

Beaver	$18,000	$12,000
Carbon	18,000	12,000
Daggett	18,000	12,000
Davis	20,000	12,000
Duchesne	18,000	12,000
Emery	18,000	12,000
Grand	18,000	12,000
Iron	18,000	12,000
Juab	18,000	12,000
Millard	18,000	12,000
Morgan	20,000	12,000
Piute	18,000	12,000
Rich	18,000	12,000
Salt Lake	18,000	12,000
San Juan	18,000	12,000
Sanpete	18,000	12,000
Sevier	18,000	12,000
Summit	20,000	12,000
Tooele	18,000	12,000
Uintah	18,000	12,000
Utah	20,000	12,000
Wasatch	20,000	12,000
Washington	18,000	12,000
Wayne	18,000	12,000

WASHINGTON

Adams	$25,000	$12,000
Benton	22,000	12,000
Chelan	20,000	12,000
Clallam	18,000	12,000
Clark	21,000	12,000
Cowlitz	18,000	12,000
Douglas	30,000	12,000
Ferry	18,000	12,000
Franklin	22,000	12,000
Grant	25,000	12,000
Grays Harbor	18,000	12,000
Island	20,000	12,000
Jefferson	16,000	12,000
King	20,000	12,000
Kitsap	18,000	12,000
Klickitat	21,000	12,000
Mason	18,000	12,000
Okanogan	20,000	12,000
Pacific	18,000	12,000
Pend Oreille	18,000	12,000
Pierce	19,000	12,000
San Juan	17,000	12,000
Skagit	20,000	12,000
Skamania	17,000	12,000
Snohomish	20,000	12,000
Spokane	20,000	12,000
Stevens	20,000	12,000
Thurston	18,000	12,000
Wahkiakum	18,000	12,000
Whatcom	20,000	12,000
Yakima	22,000	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 6th day of February, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1369; Filed, Feb. 10, 1953; 8:46 a.m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 60-2]

PART 60—AIR TRAFFIC RULES

DEFINITION OF CEILING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of February, 1953.

The United States Weather Bureau has revised its procedures for the determination and measurement of "ceiling". A ceiling is now technically considered to be the lowest layer of clouds or obscuring phenomena reported as "broken", "overcast", or "obscuration" and not classified as "thin" or "partial". This change is significant in that a broken or overcast layer of clouds will no longer be reported as a ceiling if the layer is predominantly transparent. Concurrent with this change in procedure the Weather Bureau has also revised its definition of ceiling.

The purpose of this amendment is to bring the Civil Air Regulations into conformity with the foregoing changes in the procedure of ceiling determination.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective March 12, 1953.

By amending § 60.72 to read as follows:

§ 60.72 *Ceiling.* The height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration" and not classified as "thin" or "partial".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 501)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-1390; Filed, Feb. 10, 1953; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.38, the Warren Grove, New Jersey, area (D-26), published on August 18, 1949, in 14 F. R. 5145, and amended on May 17, 1951, in 16 F. R. 4607, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited".

2. In § 608.52, the Wendover, Utah, Northern Area (D-258), published on July 16, 1949, in 14 F. R. 4296, and amended on May 20, 1952, in 17 F. R. 4558, is further amended by changing the "Using Agency" column to read: "Castle AFB, Merced, California".

3. In § 608.52, the Wendover, Utah, Southern Area (D-259), published on July 16, 1949, in 14 F. R. 4296, and amended on January 24, 1952, in 17 F. R. 715, is further amended by changing the "Using Agency" column to read "Castle AFB, Merced, California".

4. In § 608.62, the Kaena Point, Territory of Hawaii, area (D-317), published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "United States Army, Pacific".

5. In § 608.62, the Island of Kahoolawe, Territory of Hawaii, area (D-327), published on July 16, 1949, in 14 F. R. 4298, and amended on November 29, 1951, in 16 F. R. 11993, is further amended by changing the "Using Agency" column to read: "Fleet Air Hawaii".

6. In § 608.62, the Kahuku, Island of Oahu, Territory of Hawaii, area (D-324), published on October 29, 1949, in 14 F. R. 6596, is amended by changing the "Using Agency" column to read: "United States Army, Pacific".

7. In § 608.62, the Kahuku Point, Island of Oahu, Territory of Hawaii, area (D-323), published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii".

8. In § 608.62, the Makua, Island of Oahu, Territory of Hawaii, area (D-315), published on April 29, 1950, in 15 F. R. 2435, is amended by changing the "Using Agency" column to read: "United States Army, Pacific".

9. In § 608.62, the Mokuhooniki Rock, Island of Molokai, Territory of Hawaii, area (D-326), published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii".

10. In § 608.62, the Mokuleia, Island of Oahu, Territory of Hawaii, area (D-333), published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Using Agency" column to read: "United States Army, Pacific".

11. In § 608.62, the Schofield, Island of Oahu, Territory of Hawaii, area (D-335), published on October 29, 1949, in 14 F. R. 6596, and amended on December 20, 1949, in 14 F. R. 7577, is further amended by changing the "Using Agency" column to read: "United States Army, Pacific".

12. In § 608.62, the West Molokai, Island of Molokai, Territory of Hawaii, area (D-325), published on December 31, 1949, in 14 F. R. 7883, is amended by changing the "Using Agency" column to read: "Fleet Air Hawaii".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 13, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1366; Filed, Feb. 10, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5969]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENRUS WATCH CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.715 *Charges and price differentials;* § 3.725 *Cumulative quantity discounts and schedules.* In the sale of men's and women's watches or other jewelry products of like grade and quality to purchasers for resale within the United States and places subject to the jurisdiction of the United States, directly or indirectly, discriminating in price between said purchasers, where either or any of the purchases involved therein are in said commerce, by selling said products to any of said purchasers at prices which are higher than the prices at which said products are sold by respondent to any other of said purchasers (a) where respondent in the sale of said products to any purchaser charged such lower prices is in competition with any other seller and where such lower prices to said purchaser are lower by any amount which is determined or measured by said purchaser's volume or purchases of said products over a period of time, or (b) where any purchaser charged such lower prices is in competition in the resale of said products with any purchaser charged such higher prices; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Benrus Watch Company, Inc., New York, N. Y., Docket 5969, November 6, 1952]

This proceeding was instituted by complaint which charged respondents with discriminating in price between different purchasers of commodities of like grade and quality in violation of the provisions of subsection (a) of section 2 of the Clayton Act, as amended.

It was disposed of, as announced by the Commission's "Notice," dated November 7, 1952, through the consent settlement procedure provided in Rule V

of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 6, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts [1] and conclusion,[1] reads as follows:

It is ordered, That the respondent Benrus Watch Company, Inc., a corporation engaged in commerce, as "commerce" is defined in the aforesaid Clayton Act, its officers, representatives, agents, and employees, directly or through any corporate or other device, in the sale of men's and women's watches or other jewelry products of like grade and quality to purchasers for resale within the United States and places subject to the jurisdiction of the United States, do forthwith cease and desist from directly or indirectly discriminating in price between said purchasers, where either or any of the purchases involved therein are in said commerce, by selling said products to any of said purchasers at prices which are higher than the prices at which said products are sold by respondent to any other of said purchasers (a) where respondent in the sale of said products to any purchaser charged such lower prices is in competition with any other seller and where such lower prices to said purchaser are lower by any amount which is determined or measured by said purchaser's volume or purchases of said products over a period of time, or (b) where any purchaser charged such lower prices is in competition in the resale of said products with any purchaser charged such higher prices.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 53-1381; Filed, Feb. 10, 1953; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 25, Correction]

DMO 25—Establishing the Position of Assistant Director for Production

Correction of Clerical Error

In paragraph 4 of Defense Mobilization Order 25 (18 F. R. 821), the effective date of February 10, 1953 should be February 4, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Acting Director.

[F. R. Doc. 53-1444; Filed, Feb. 10, 1953; 11:20 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 8, Amdt. 9]

GOR 8—Paper, Paperboard, Converted Paper and Paperboard Products, Allied Products and Services

Exemption of Manufacturers' Sales of Milk Bottle Caps and Closures

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 8 is hereby issued.

Statement of Considerations

This amendment exempts from price controls manufacturers' sales and deliveries of milk bottle caps and closures. These products, produced for the exclusive use of closing glass milk bottles are manufactured from paper, paperboard, cellophane black plate and aluminum foil, as well as from many combinations of these materials. In addition to the many combinations of materials, caps, and closures are made in various sizes and calipers.

There are eleven United States producers of milk bottle caps and closures, of which all but one are located east of the Mississippi River. In 1951 the total industry produced approximately 14 billion units valued at more than 26½ million dollars. However, there is a very substantial potential surplus within the industry and competition is very keen. At the present time, there are approximately 22 billion packages of milk produced annually in this country of which only 8 billion are packaged in all paper cartons. Within the past few years paper packaging has grown from about 2 billion to 8 billion units annually. This trend to paper packaging continues to increase at the expense of the glass bottle and the caps and closure industry.

Ceiling prices for this industry as established under CPR 133 permit each manufacturer to apply a uniform adjustment factor of 1.023 percent to his GCPR price for each milk bottle cap and closure item. The calculation of this adjustment factor was devised to equal the average percentage change in direct costs for the industry under CPR 22. GOR 35 allows the manufacturer to pass through any increased cost of black plate and aluminum to the consumer. This permits a slight increase in the ceiling price established under CPR 133 for caps and closures made from or containing either of these two materials. Decontrol of this industry may result in an advance in prices for some caps and closures but in no event is the advance in price of any item expected to exceed 5 percent. This increased cost will have no substantial bearing on the cost of a bottle of milk since the average cost of the closure is approximately only $1.90 per thousand. Consequently, this decontrol action will not have an inflationary effect on the economy or the cost of living because milk bottle caps and closures are an insignificant cost factor to the consumer. Neither will it result in a diversion of manpower or materials from more essential uses, nor cause difficulty in maintaining controls in other areas. In view of the foregoing circumstances, the Director finds that the administrative burden on the agency and affected industry of establishing and maintaining ceiling prices for manufacturers of milk bottle caps and closures would be disproportionate to the benefits gained thereby.

The Director of Price Stabilization finds that Amendment 7 to the General Overriding Regulation 8 is generally fair and equitable and in his judgment is necessary and proper to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Amendatory Provisions

General Overriding Regulation 8 is amended in the following respects:

1. Section 1 (a) is amended by the addition of subparagraph (7) to read as follows:

(7) Manufacturers' sales of milk bottle caps and closures.

2. Section 2 (a) is amended by the addition of subparagraph (10) to read as follows:

(10) "Milk bottle caps and closures" include all products used as caps, closures or hoods for glass milk bottles, whether such products are made of paperboard, cellophane, aluminum, or any other material.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to General Overriding Regulation 8 shall become effective February 10, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1441; Filed, Feb. 10, 1953; 11:06 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 1, Amendment 1 of February 10, 1953]

Reg. 1—Inventory Control

Miscellaneous Amendments

This amendment to NPA Reg. 1 as last amended December 24, 1952, is found necessary and appropriate to promote the national defense and is issued pur-

[1] Filed as part of the original document.

suant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation was had with industry representatives, including trade association representatives, and consideration was given to their recommendations.

NPA Reg. 1, as amended December 24, 1952, is hereby further amended in the following respects:

1. In Table IA thereof, under the heading "Metals and Minerals," the following items are deleted:

Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.

2. In Table IA thereof, under the heading "Metals and Minerals," the item "Scrap," is amended to read:

Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, zinc, and tin scrap).

3. In Table IA thereof, the heading "Containers and Packaging Materials" and all items listed thereunder, together with the related footnote 1, are deleted.

4. In Table IB thereof, the following item and the number of days set opposite, are deleted:

Components and parts for electric light bulbs and tubes	60

5. In Table II the following items under the column headings indicated are deleted:

Materials:	*NPA order or regulation*
Pig tin	M–8
Lead-base alloys (1.5 percent or more tin)	M–8
All other materials and alloys containing 1.5 percent or more tin	M–8
Cans	M–25

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 10, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1440; Filed, Feb. 10, 1953; 10:36 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 884]

LOUISIANA

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising a part of the Barksdale Bombing and Gunnery Range portion of the Barksdale Air Force Base Reservation, Louisiana, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

LOUISIANA MERIDIAN

T. 18 N., R. 11 W.,
Sec. 19, SW¼ and S½SE¼, those portions lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 30.
T. 18 N., R. 12 W.,
Sec. 23, S½, that portion lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 24, S½, that portion lying south of the south right-of-way line of the Vicksburg, Shreveport, and Pacific Railway Company;
Sec. 25, N½;
Sec. 26, NE¼.

The areas described aggregate approximately 1,900 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for air force purposes.

4. No oil and gas lessee shall use or invade, for any purpose, the surface of the SW¼NW¼, W½SW¼ sec. 30, T. 18 N., R. 11 W., S½N½ sec. 25 and S½NE¼ sec. 26, T. 18 N., R. 12 W.

5. Prior to any advertisement for bids the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

6. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 5, 1953.

[F. R. Doc. 53–1365; Filed, Feb. 10, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 988]

[Docket No. AO 195–A 5]

HANDLING OF MILK IN KNOXVILLE, TENN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Farragut Hotel, 530 South Gay Street, Knoxville, Tennessee, beginning at 10:00 a. m., e. s. t., February 16, 1953, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the Knoxville, Tennessee, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, marketing area (7 CFR 988 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Knoxville, Tennessee, milk marketing area were proposed, as follows:

By Knoxville Milk Producers' Association and certain Knoxville Handlers.

1. Add the following proviso to § 988.51 (b):

Provided, That from the effective date hereof the price per hundredweight for all producer milk received at a fluid milk plant that is used to produce butter, or is transferred to a non-fluid milk plant located more than 50 miles from the Knox County Courthouse and used to produce any item other than those as set forth in § 988.41 (a) (1) shall be the price computed above less the appropriate amounts that will effectuate the orderly marketing of distress milk.

By the Knoxville Milk Producers' Association.

2. Delete § 988.72 (d) and substitute therefor:

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant

to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the price(s) for Class II milk of 4.0 percent butterfat content beginning in series with the lowest price for Class II milk of 4.0 percent butterfat content: multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts:

3. Amend § 988.15 to read as follows:

§ 988.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 988.60 multiplied by the number of days in such delivery period.

4. Add a new section to read as follows:

§ 988.34 *Reports to cooperative association.* On or before the 15th day after the end of each delivery period, the market administrator shall report to each cooperative association as described in § 988.88 (b), upon request by such association, the percentage of milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in proportion that the total receipts of milk from producers by such handler were used in each class.

By the Avondale Farms Creamery.

5. Amend § 988.41 (a) by adding thereto the following: "(3) in inventory variation"; and, amend § 988.41 (b) by deleting therefrom: "(2) in inventory variation".

By Dairy Branch, Production and Marketing Administration.

6. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 205 Flatiron Building, 705 Broadway NE., Knoxville, Tennessee, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated February 10, 1953, at Washington, D. C.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator.

[F. R. Doc. 53-1442; Filed, Feb. 10, 1953; 11:19 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5947; Order Serial No. E-7141]

RENEWAL OF CERTAIN PROVISIONS OF ECONOMIC REGULATIONS AND INVESTIGATION OF INDIRECT AIR CARRIAGE OF PROPERTY

ORDER OF INVESTIGATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of February 1953.

The Board promulgated Part 296 of the Economic Regulations after finding in the Air Freight Forwarder Case, 9 CAB 473 (1948) that the services of freight forwarders should be permitted on a temporary basis and for a limited period during which experience could be developed upon which a permanent policy might be soundly determined. Part 296 of the Economic Regulations expires October 15, 1953; the trial period for forwarders, therefore, as envisaged by the Board in the Air Freight Forwarder Case, is drawing to a close.

The services now performed and to be performed by air carriers indirectly engaged in the air transportation of property present problems of unique and novel character in the field of air transportation. The imminent expiration of the aforesaid Part 296, and the holding by the Board in Docket 4902 that a shippers' association may be an indirect air carrier, requires a thorough investigation at this time into the problems of indirect air carriers of property as a means of analyzing the record of forwarder experience which has developed under Part 296, with a view to determining a sound permanent policy for the future of the indirect carrier (property) and for the forwarding industry. Particularly, further inquiry of a formal nature is now needed to determine the extent to which there may be a continuing need for air freight forwarders in view of the burgeoning of other indirect air carriers of property, e. g., so-called shippers' associations and shippers' cargo agents, and the extent to which there is a need for classification of all indirect air carriers of property, with suitable regulation to insure fullest development of each class. No question is raised at this time with respect to the activities of Railway Express Agency, Inc. (REA) which is authorized, under the exemption provision of section 1 (2), to carry on its operations for an indefinite period, or until such time as the Board may determine that such operations are no longer in the public interest. Also, REA is currently engaged in negotiations with the direct air carriers with a view to the filing with us of satisfactory revised air express agreements which we directed in the Air Freight Forwarder Case. Accordingly, we are excluding REA from the scope of this investigation.

The Board, acting pursuant to sections 1 (2), 205 (a), 416 (a) and 1002 (b) of the Civil Aeronautics Act of 1938, as amended, and deeming its action necessary to carry out the provisions of said act, and to exercise and perform its powers and duties thereunder: *It is ordered*, That:

1. An investigation be and it hereby is instituted by the Board into all matters relating to and concerning services of air carriers indirectly engaged in the air transportation of property. Such investigation shall include, inter alia, an inquiry into the following matters:

(a) The question of whether the public interest requires the renewal and/or amendment of Part 296 of the Economic Regulations;

(b) The extent to which there is a need for the classification of indirect air carriers, and the extent to which there is a need for sub-classifications within such possible indirect air carrier classifications;

(c) The extent to which existing requirements of law should be modified in their application to such classifications;

(d) The extent to which there is or may be a general need for indirect air carrier services, including the following: air freight forwarders using direct carriers, air freight forwarders using indirect carriers, shippers' associations, air express forwarders (other than REA), and other similar indirect air carrier services;

(e) The types of operation best adapted to performance of the services required to meet such need;

(f) The extent to which other activities should be engaged in by such indirect air carriers to meet such need;

(g) The extent to which indirect air carrier operations should be subjected to restrictions to prevent discriminatory and destructive practices and the nature of any such restrictions;

2. The following be and they hereby are made parties to this proceeding:

(a) Every holder of a letter of registration as an air freight forwarder (domestic);

(b) Every applicant for a letter of registration as an air freight forwarder (domestic);

(c) In addition thereto, the following:

(1) Manufacturers and Wholesalers Association Shipping Conference, c/o Leslie Spelman, Koret of California, 26 O'Farrell St., San Francisco, California;

(2) Carpel-Textile Association, Inc., c/o R. L. Corn, Room 530, 610 South Main, Los Angeles 14, California;

(3) Flower Consolidators of Southern California, 750 Maple Ave., Los Angeles 14, California;

(4) Consolidated Flower Shipments, Inc., Bay Area, c/o John C. Barulich, San

Francisco Municipal Airport, South San Francisco, California;

(5) Fashion Air Cooperative Association, 475—11th Avenue, New York, New York;

(6) John C. Barulich, c/o Consolidated Flower Shipments, Inc., Bay Area, San Francisco Municipal Airport, South San Francisco, California.

(7) Metropolitan Traffic and Receiving Unit, c/o Mr. O'Grady, Traffic Manager, Saks Fifth Avenue, New York, New York;

(8) Kansas City Shippers Association, c/o Mr. Higginbotham, Traffic Manager, Jones Store, Kansas City, Missouri;

(9) New England Carnation Growers Association, Inc., Logan International Airport, East Boston, Massachusetts;

(10) North Atlantic Lobster Institute, Portland, Maine;

(11) Boston Flower Exchange, Inc., Boston, Massachusetts;

3. This proceeding be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter to be designated, at which all interested parties will be afforded an opportunity to present their views and any relevant data relating to the subject matter of this proceeding;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 53-1391; Filed, Feb. 10, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER AUTHORIZING LIMITED ACQUISITIONS FOR PURPOSE OF STABILIZATION

FEBRUARY 3, 1953.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having previously filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), proposing the disposition of its holdings of common stock of the Washington Water Power Company ("Washington Company"), to be received pursuant to a plan of American Power & Light Company, a registered holding company and a former subsidiary of Bond and Share, and the Commission having approved such plan by memorandum opinion and order entered July 30, 1952 (Holding Company Act Release No. 11412); and

Bond and Share having in due course received from American Power & Light Company 183,050 shares of common stock of the Washington Company, which shares it had undertaken to dispose of pursuant to the aforesaid plan, and Bond and Share having distributed to its stockholders, pursuant to a dividend, 105,007 shares of such stock, and having sold an additional 11,500 shares, leaving a balance of 66,543 shares remaining to be disposed of; and

Bond and Share having notified the Commission, pursuant to Rule U-44 (c) of the general rules and regulations under the act, of its intention to sell its remaining holdings of common stock of the Washington Company, such sale to be made pursuant to advertisement in appropriate newspapers of Bond and Share's intention to sell such stock and to receive sealed bids therefor from any persons who advise Bond and Share that they may desire to bid; and

Bond and Share having represented that, in connection with such sale, it desires to purchase, and requests authority from the Commission to acquire, not more than 10,000 shares of common stock of the Washington Company for the purpose of stabilizing the market for that stock, any such purchases to be made on the New York Stock Exchange, to commence at the opening of the market on the date on which the foregoing advertisement is published, to be at prices (exclusive of commissions) not in excess of the last preceding sale price of the Washington Company common stock on such exchange, and to continue until the acceptance or rejection by Bond and Share of any bid made for the Washington Company stock, and Bond and Share having further represented that it intends to sell any shares so purchased for stabilizing purposes together with the other shares of the Washington Company proposed to be sold; and

The Commission having notified Bond and Share that no declaration need be filed with respect to the proposed disposition pursuant to such notice, and that the ten-day period prescribed in Rule U-44 (c) has been waived; and

It appearing to the Comission that the proposed acquisition of shares of the Washington Company common stock for the purpose of stabilization, subject to the commitment to dispose of such stock, is appropriate and is in accordance with the applicable standards of the Act, and that an order should be entered approving such acquisitions:

It is ordered, That the application of Electric Bond and Share Company for authority to acquire not in excess of 10,000 shares of common stock of The Washington Water Power Company, for the purposes of stabilizing the market of that stock, in acordance with the application of Electric Bond and Share Company, be, and is hereby, approved, effective forthwith, subject to the terms and conditions contained in Rule U-44.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1367; Filed, Feb. 10, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LOUIS NEUMAN AND SAMUEL ZOLDAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Louis Neuman also known as Louis Newman, 3 Raleigh Place, Brooklyn, New York; Claim No. 35941; $202.17 in the Treasury of the United States. An undivided one-half interest in all right, title, interest and claim of any kind or character whatsoever of Ester Weiser in and to the estate of Rose Strasser, deceased.

Samuel Zoldan, #16, Haifa, Palestine; Claim No. 35942; $606.51 in the Treasury of the United States. An undivided one-half interest in all right, title, interest and claim of any kind or character whatsoever of Ester Weiser in and to the estate of Rose Strasser, deceased. All right, title, interest and claim of any kind or character whatsoever of Teris Zolden in and to the estate of Rose Strasser, deceased.

Executed at Washington, D. C., on February 5, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1379; Filed, Feb. 10, 1953; 8:46 a. m.]

LEOPOLDINE PAVLISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leopoldine Pavlisch, a/k/a Frances Kvorda, Vienna, Austria; Claim No. 8869; $2,340.09 in the Treasury of the United States.

Executed at Washington, D. C., on February 5, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1380; Filed, Feb. 10, 1953; 8:46 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 18 NUMBER 29

Washington, Thursday, February 12, 1953

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 203—CONDUCT OF MEMBERS AND EMPLOYEES AND FORMER MEMBERS AND EMPLOYEES OF THE COMMISSION.

Statement of purpose. The Securities and Exchange Commission is adopting a comprehensive regulation to restate the ethical principles which it believes should govern and have governed the conduct of members and employees and former members and employees of the Commission. The regulation includes a general statement of policy following essentially language used by a Subcommittee of the Senate Committee on Labor and Public Welfare in its report on Ethical Standards in Government, and in the related bill, S. 2293, 82d Cong., 1st Sess., 1951. The regulation also deals more specifically with limitations on outside or private employment, securities transactions, disclosure to superiors of personal interests which might conflict with official duties, negotiation for private employment by persons interested in matters pending before the Commission, and practice before the Commission by former members and employees of the Commission.

The more specific regulations are largely a revision of existing rules set forth in memoranda of instructions which have been issued to the staff from time to time, and previously published opinions concerning the propriety of practice by former employees. Among other things, the revision makes it clear that the substantive rules apply to members of the Commission as well as to employees. Some of the rules (particularly Rules 4 and 5 (§§ 203.4 and 203.5)) contain procedural provisions for reference of questions arising under the rules by an employee to his superior. While the Commissioners themselves cannot refer such a problem to a superior, it is contemplated that, in case of doubt as to the applicability of the substantive provisions, they will either refrain from participation in the matter or will request the advice of their associates, in accordance with past practice.

Paragraph (a) of Rule 6 (§ 203.6 (a)) prohibits without limit of time former members and employees from appearing before the Commission in a "particular matter" with respect to which they had a prior official responsibility or specific knowledge. This rule is intended to be declaratory of the practice which the Commission has applied in the advisory rulings that have been rendered from time to time in the past concerning the propriety of specific appearances by former members and employees. In attempting to state the rule in concrete terms, it is recognized that the concept of what constitutes a "particular matter" will require interpretation. In rendering such interpretations the basic policy consideration underlying the rule will require consideration of whether the appearance in question will involve an unethical conflict with prior official responsibilities.

Following is an illustration of the way the Commission believes Rule 6 (a) (§ 203.6 (a)) should be interpreted. An accountant on the Commission's staff has had occasion to deal officially with a registration statement or annual report for a particular company and after leaving the Commission joins an accounting firm which does accounting work for that company. In the absence of unusual circumstances, such an accountant would not be barred from doing accounting work in connection with future registration statements or annual reports for the same company. If, however, the accountant's official responsibilities had involved an investigation or accounting controversy of a continuing character, subsequent activities for the company involved, although pertaining to new filings, might be so related to the continuing investigation or controversy as to constitute an appearance in respect to the "particular matter" previously dealt with on behalf of the Commission.

Paragraph (b) of Rule 6 (§ 203.6 (b)) is a new provision which is designed to aid in the administration of the first part of the rule by requiring the filing of reports covering all appearances before the Commission during the first two years after ceasing to be a member or employee of the Commission.

The new regulation supersedes the previous memoranda on Outside or Private Employment (dated Feb. 14, 1949) and on Employees' Securities Transac-

(Continued on next page)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Diedrich, John; vesting order 868

Army Department
Notices:
Office of Chief Signal Officer; statement of organization and functions of agencies dealing with the public 859
Rules and regulations:
Army procurement procedure:
Bonds and insurance 857
Contract clauses and forms 856
Federal, State, and local taxes 857
Foreign purchases 855
General provisions 853
Interdepartmental procurement 855
Labor 857
Patents and copyrights 857
Procurement by:
Formal advertising 854
Negotiation 855
Termination 857

Commerce Department
See Federal Maritime Board.

Defense Department
See Army Department.

Defense Materials Procurement Agency
Notices:
Deputy Administrator; delegation to exercise the function and authority of Acting Administrator 861

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission
Notices:
Cuban Broadcast Stations; notification of new stations, list of changes, modifications and deletions of existing stations 861

Federal Maritime Board
Notices:
Notice of agreements filed with Board for approval:
Compagnie General Transatlantique et al 860

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Maritime Board—Con. Page
Notices—Continued
Notice of agreements filed with Board for approval—Con.
Th. Brovig, "Mexican Line" et al 860

Federal Power Commission
Notices:
Hearings, etc.:
City of Hastings, Nebr., and Kansas-Nebraska Natural Gas Co., Inc 862
Iowa-Illinois Gas and Electric Co 862
Kansas-Colorado Utilities, Inc., and Colorado Interstate Gas Co 862
Northern Natural Gas Co 862
Ohio Fuel Gas Co 861
Platte Valley Public Power and Irrigation District 863
Puget Sound Power & Light Co. and Public Utility District No. 1 of Chelan County, Washington 863

CONTENTS—Continued

Interstate Commerce Commission Page
Notices:
Applications for relief:
Billets from Huntington, W. Va., to central territory 868
Cement from Chattanooga, Tenn., to Murphy, N. C 867
Ferrochrome from Charleston, S. C., to Ironton, Ohio 867
Gypsum board paper from Urbana, Ohio, to Baltimore, Md 868
Mixed feed from Savannah and Port Wentworth, Ga., to Pinetta, Fla., and points in Georgia 867
Paper articles from West Monroe, La., to points in western trunk-line territory 867
Syrup from Keokuk, Iowa, to eastern points 867

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Price Stabilization, Office of
Notices:
List of community ceiling price orders; certain regions 866
Rules and regulations:
Adjustments under the industry earnings standard for machinery and related manufactured goods and building materials; asbestos paper, asbestos millboard and converted products (GOR 42) 858

Production and Marketing Administration
Notices:
Peanuts; notice of redelegation of final authority by the Virginia State Production and Marketing Administration Committee 861

Railroad Retirement Board
Rules and regulations:
Sickness benefits and maternity benefits; filing of statements; when forms considered filed 853

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Maine Power Co. 865
Electric Bond and Share Co. 864
Fall River Electric Light Co. and Eastern Utilities Associates 866
New England Electric System 865
Southern Natural Gas Co. and Alabama Gas Corp 864
Rules and regulations:
Conduct of members and employees and former members and employees of the Commission 849

CONTENTS—Continued

Wage and Hour Division Page
Notices:
Learner employment certificates; issuance to various industries 860

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 17 Page
Chapter II:
Part 203 849

Title 20
Chapter II:
Part 335 853

Title 32
Chapter V:
Part 590 853
Part 591 854
Part 592 855
Part 594 855
Part 595 855
Part 596 856
Part 597 857
Part 598 857
Part 599 857
Part 600 857
Part 601 857

Title 32A
Chapter III (OPS):
GOR 42 858

tions (Office Memorandum No. 51–F, dated July 14, 1950) and the statement of Commission policy on negotiation for private employment, as set forth in the minute of June 14, 1939. Rule 6 (§ 203.6) is intended to be the primary provision governing practice before the Commission by former members and employees and to make more specific and implement the principles enunciated in the statement of the Commission on that subject contained in Securities Act Release No. 1761 and in the opinion of general counsel contained in Securities Act Release No. 1934. However, the new regulation does not repeal the more general provision of Rule 11 (e) of the rules of practice (§ 0.11 (e)) relating to denial of the privilege of practicing before the Commission for unethical or improper professional conduct, on which Releases 1761 and 1934 were based.

The Commission deems this regulation to be included within the exception to section 4 (a) of the Administrative Procedure Act applicable, among other things, to "general statements of policy, rules of agency organization, procedure or practice," and deems notice and public procedures of the character specified in that section to be unnecessary. The Commission, of course, is open to suggestions with respect to the scope and content of the regulation, whether received before or after its effective date.

Statutory basis. This regulation is adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act

of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 (a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 (a) of the Investment Company Act of 1940, and section 211 (a) of the Investment Advisers Act of 1940.

Text of regulation. Part 203 is added to read as follows:

Sec.
203.1 General statement of policy.
203.2 Outside or private employment.
203.3 Securities transactions.
203.4 Action in cases of personal interest.
203.5 Negotiation for private employment.
203.6 Practice by former members and employees of the Commission.
203.7 Employees on leave of absence.
203.8 Violation and participation in violation of this part.

AUTHORITY: §§ 203.1 to 203.8 issued under secs. 19, 23, 48 Stat. 85, 901, as amended; sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78w, 79t, 80a–37, 80b–11.

§ 203.1 *General statement of policy.* It is deemed contrary to Commission policy for a member or employee of the Commission to:

(a) Engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority; [1]

(b) Accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States;

(c) Discuss or entertain proposals for future employment by any person outside the Government with whom he is transacting business on behalf of the United States; [2]

d) Divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release; [3]

(e) Become unduly involved, through frequent or expensive social engagements or otherwise, with any person outside the Government with whom he transacts business on behalf. of the United States; or

(f) Act in any official matter with respect to which there exists a personal interest incompatible with an unbiased exercise of official judgment.[4]

§ 203.2 *Outside or private employment.* (a) No member or employee shall permit his name to be associated in any way with any legal, accounting or other professional firm or office.[5]

(b) No employee shall have any outside or private employment or affiliation with any firm or organization incompatible with concurrent employment by the Commission. This applies particularly to employment or association with any registered broker, dealer, public utility holding company, investment company or investment adviser or directly or indirectly related to the issuance, sale or purchase of securities. It applies also to any legal, accounting, or engineering work for compensation involving matters in which the Federal government or any State, Territorial or municipal authority may be significantly interested.

(c) No employee shall accept or perform any outside or private employment which interferes with the efficient performance of his official duties.

(d) No employee shall accept or perform any outside or private employment specifically prohibited to Federal employees by statutes or executive order. For example:

(1) 18 United States Code, section 283, provides, among other things, that Federal employees are prohibited from acting as agent or attorney in prosecuting any claim against the United States or from aiding or assisting in any way, except as otherwise permitted in the discharge of official duties, in the prosecution or support of any such claims, or from receiving any gratuity, or any share of an interest in any claim from any claimant against the United States.

(2) 18 United States Code, section 281, provides, among other things, that Federal employees are prohibited from directly or indirectly receiving or agreeing to receive any compensation whatever for services rendered or to be rendered to any person in relation to any matter in which the United States is a party or directly or indirectly interested.

(3) 5 United States Code, section 58, provides that unless otherwise specifically authorized by law, no money appropriated by any act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of $2,000 per annum.

(4) Executive Order No. 9 of January 17, 1873, prohibits, subject to exceptions, Federal employees from accepting or holding office under a State, Territorial, County or municipal authority.

(e) No employee shall appear in court or on a brief in a representative capacity (with or without compensation) or otherwise accept or perform legal, accounting or engineering work for compensation unless specifically authorized by the Commission. Requests for such authorization shall be submitted to the division or office head or regional administrator concerned, together with all pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and its estimated duration. Division and other office heads and regional administrators shall forward all requests, together with their recommendations thereon, to the Director of Personnel for presentation to the Commission.

§ 203.3 *Securities transactions.* (a) This section applies to all transactions effected by or on behalf of a member or employee. Members and employees are considered to have sufficient interest in the security and commodity transactions of their husbands or wives so that such transactions must be reported and are subject to all the terms of this section.

(b) No member or employee shall effect any transaction in a security except for bona fide investment purposes. Unless otherwise determined by the Commission for cause shown, any purchase which is held for less than one year will be presumed not to be for investment purposes. Any employee who believes the application of this paragraph will result in undue hardship in a particular case may make written application to the Commission (through the Division of Personnel, attention of Director of Personnel) setting out in detail the reasons for his belief and requesting a waiver.

(c) No member or employee shall effect any purchase or sale of a future contract for any commodity without the prior approval of the Commission.

(d) No member or employee shall carry securities on margin; nor shall any member or employee borrow funds or securities with or without collateral for the purpose of purchasing or carrying securities or commodities with the proceeds unless prior approval of the Commission has been secured.

(e) No member or employee shall sell a security which he does not own, or the sale of which is consummated by the delivery of a security borrowed by or for such member's or employee's account.

(f) No member or employee shall purchase any security which is the subject of a registration statement filed under the Securities Act of 1933, or of a letter of notification filed under Regulation A, or any other security of the same issuer, while such a registration statement or letter of notification is pending or during

[1] Members of the Commission are subject also to the following prohibition in section 4 (a) of the Securities Exchange Act of 1934: "* * * No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission pursuant to this title * * *". Detailed provisions regarding outside or private employment and transactions in securities and commodities are set forth in §§ 203.2 and 203.3. Further provisions regarding use and disclosure of confidential information are set forth in paragraph (d) of this section and in the note appended thereto.

[2] Detailed provisions regarding negotiation for future employment are set forth in § 203.5.

[3] The policy regarding confidential information stated in paragraphs (a) and (d) of this section is intended to cover cases where, apart from specific prohibitions in any statute or other rule, the disclosure or use of such information would be unethical. Detailed prohibitions regarding disclosure or use of confidential information are set forth in Rule 122 under the Securities Act of 1933; section 24 (c) and Rule X-4 under the Securities Exchange Act of 1934; section 22 (a) and Rule U-104 under the Public Utility Holding Company Act of 1935; section 45 (a) and Rule N-45A-1 under the Investment Company Act of 1940; and section 210 (b) under the Investment Advisers Act of 1940.

[4] Section 203.4 provides a procedure for relieving employees from assignments in certain cases, including those covered by paragraph (f) of § 203.1.

[5] With respect to members, this paragraph supplements the statutory prohibition of outside employment contained in section 4 (a) of the Securities Exchange Act, quoted in footnote 1. The remaining provisions of this section are not made applicable to members in view of the provisions of section 4 (a).

the first thirty days after its effective date.

(g) No member or employee shall purchase securities of (1) any holding company registered under section 5 of the Public Utility Holding Company Act of 1935, or any subsidiary thereof, or (2) any company if its status under such act or the applicability of any provision of the act to it is known by the employee to be under consideration.

(h) No member or employee shall purchase any securities issued by any investment company prima facie subject to the jurisdiction of the Commission under the provisions of the Investment Company Act of 1940.

(i) No member or employee shall purchase any security which to his knowledge is involved in any pending investigation by the Commission or in any proceeding before the Commission or to which the Commission is a party.

(j) No member or employee shall purchase any securities of any company which is in receivership or which is undergoing reorganization under section 77–B or Chapter X of the Bankruptcy Act.

(k) The restrictions imposed in paragraphs (f) to (j) of this section do not apply to the exercise of a privilege to convert or exchange securities; to the exercise of rights accruing unconditionally by virtue of ownership of other securities (as distinguished from a contingent right to acquire securities not subscribed for by others); or to the acquisition and exercise of rights in order to round out fractional shares.

(l) Members and employees shall report every transaction in any security or commodity within three business days. (Reports submitted by employees in field offices must be placed in the mails within three days of the date of each transaction.) Other changes in holdings resulting from inheritance or from reclassifications, gifts, stock dividends or split-ups, for example, shall be reported promptly. These reports shall be prepared on the official form provided for this purpose, copies of which may be procured from the Division of Personnel (Form SE–P–3). These reports shall be transmitted to the Director of Personnel. The envelope should be marked "Confidential."

(m) At the time of taking the Oath of Office new members and employees shall fill in the information required on Form SE–P–4 relating to securities owned, accounts with securities firms, and relatives who are partners or officers of securities firms, investment companies, investment advisers or public utilities.

(n) This section does not apply to personal notes, individual real-estate mortgages, United States Government securities, and securities issued by building and loan associations or co-operatives.

§ 203.4 *Action in cases of personal interest.* Any employee assigned to work on any application, filing, or matter of a company in which he then owns any securities or has any personal interest or with which he has been employed or associated in the past, shall immediately advise the division director or other office head or regional administrator of the fact. Division directors, other office heads and regional administrators are authorized to direct the reporting employee to continue with the assignment in question where this appears in the interest of the Government, taking into account (a) the policy stated in § 203.1 (f), (b) the general desirability of avoiding situations that require a question of conflict of interest to be resolved, (c) the extent the employee's activities will be supervised, and (d) the difficulty of assigning the matter to some other employee. Where the employee in question is not relieved of the assignment, his written report concerning the nature of his interests shall be forwarded to the Director of Personnel with a notation that he has been directed to continue the assignment together with such explanation, if any, as may seem appropriate. In the event that a division director or other office head or regional administrator deems that he has, himself, such personal interest in a transaction as may raise a question as to his disinterestedness, he may delegate his responsibility in the matter to a subordinate, but in that event shall submit a brief memorandum of the circumstances to the Director of Personnel.

§ 203.5 *Negotiation for private employment.* (a) The provisions of § 203.1 (c) are deemed to preclude negotiation for private employment by an employee who is immediately engaged in representing the Commission in any matter in which the prospective employer is opposing counsel or person chiefly affected. With the approval of his superior or the Commission an employee may be relieved of any assignment which, in the absence of such relief, might preclude such negotiation.

(b) No employee shall undertake to act on behalf of the Commission in any capacity in a matter that, to his knowledge, affects even indirectly any person outside the Government with whom he is discussing or entertaining any proposal for future employment, except pursuant to the direction of the Commission, his division director or other office head, or his regional administrator, as provided in § 203.4.

§ 203.6 *Practice by former members and employees of the Commission.* (a) No person shall appear in a representative capacity before the Commission in a particular matter if such person, or one participating with him in the particular matter, personally considered it or gained personal knowledge of the facts thereof while he was a member or employee of the Commission. As used in this paragraph, a single investigation or formal proceeding, or both if they are related, shall be presumed to constitute a particular matter for at least two years irrespective of changes in the issues. However, in the case of proceedings in which the issues change from time to time, such as proceedings involving compliance with section 11 of the Public Utility Holding Company Act, this paragraph shall not be construed as prohibiting appearance in such a proceeding, more than two years after ceasing to be a member or employee of the Commission, unless it appears to the Commission that there is such identity of particular issues or pertinent facts as to make it likely that confidential information, derived while a member or employee of the Commission, would have continuing relevance to the proceeding, so as to make the participation therein by the former member or employee of the Commission unethical or prejudicial to the interests of the Commission.

(b) Any former member or employee of the Commission who, within two years after ceasing to be such, is employed or retained as the representative of any person outside the Government in any matter in which it is contemplated that he will appear before the Commission shall, within ten days of such retainer or employment, or of the time when appearance before the Commission is first contemplated, file with the Secretary of the Commission a statement as to the nature thereof together with any desired explanation as to why it is deemed consistent with this section. Employment of a recurrent character may be covered by a single comprehensive statement. Each such statement should include an appropriate caption indicating that it is filed pursuant to this rule. The reporting requirements of this paragraph do not apply to communications incidental to court appearances in litigation involving the Commission.

(c) As used in this section, the term "appear before the Commission" means personal appearance before or personal communication with the Commission or any member or employee thereof, in connection with any interpretation or matter of substance arising under the statutes administered by the Commission.

(d) Persons in doubt as to the applicability of this section may apply for an advisory ruling of the Commission.

§ 203.7 *Employees on leave of absence.* The provisions of this part relative to employees of the Commission are applicable to employees on leave with pay or on leave without pay other than extended military service.

§ 203.8 *Violation and participation in violation of this part.* Knowing participation in a violation of this part by persons not within the scope of this part shall likewise be deemed improper conduct and in contravention of Commission rules. Departure from the regulations in this part without specific approval may be cause for removal or for disqualification from appearing and practicing before the Commission.

The foregoing regulation shall become effective March 9, 1953, except that it shall be effective immediately with respect to members and employees of the Commission having actual knowledge of its provisions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 4, 1953.

[F. R. Doc. 53–1410; Filed, Feb. 11, 1953; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 335—SICKNESS BENEFITS AND MATERNITY BENEFITS

FILING OF STATEMENTS; WHEN FORMS CONSIDERED FILED

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), §§ 335.104 (d) and 335.204 (e) of the regulations of the Railroad Retirement Board under such act (12 F. R. 8441) are amended by Board Order 53–23, dated January 27, 1953, to read as follows:

§ 335.104 *Filing statement of sickness and claim for sickness benefits.* * * *

(d) *When form considered filed.* A form shall be considered filed within the time prescribed with regard to it in paragraph (a) or (b) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) the employee made such effort to file the form within the prescribed time as a reasonable person could be expected to make in the same situation, but was prevented from doing so by circumstances beyond his control, and the form was received at an office of the Board within a reasonable time after the circumstances which had prevented the employee from filing the form were removed; (4) the employee registered for the day in question under § 325.12 of this chapter, but his claim for such day as a day of unemployment was denied on the ground that he was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) a female employee filed a statement of maternity sickness with a view to obtaining maternity benefits for the day in question, and the form was received at an office of the Board within a reasonable time: *Provided, however,* That a form may not in any event be considered filed within the time prescribed with regard to it in paragraph (a) or (b) of this section unless it is received at an office of the Board within two years of the day in question.

§ 335.204 *Filing statement of maternity sickness and supplement and claim for maternity benefits.* * * *

(e) *When form considered filed.* A form shall be considered filed within the time prescribed with regard to it in paragraphs (a), (b), or (c) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) the employee made such effort to file the form within the prescribed time as a reasonable person could be expected to make in the same situation, but was prevented from doing so by circumstances beyond her control, and the form was received at an office of the Board within a reasonable time after the circumstances which had prevented the employee from filing the form were removed; (4) the employee registered for the day in question under § 325.12 of this chapter, but her claim for such day as a day of unemployment was denied on the ground that she was not available for work or was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) the employee claimed sickness benefits for the day in question under Subpart A of this part, and the form was received at an office of the Board within a reasonable time: *Provided, however,* That a form may not in any event be considered filed within the time prescribed with regard to it in paragraph (a), (b) or (c) of this section unless it is received at an office of the Board within two years of the day in question.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362. Interprets or applies sec. 1, 52 Stat. 1094, as amended, 45 U. S. C. 351)

Dated: February 6, 1953.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 53–1404; Filed, Feb. 11, 1953; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

Chapter V of Title 32 is amended in the following manner:

PART 590—GENERAL PROVISIONS

1. Section 590.253–2 is revised and §§ 590.306, 590.306–1, 590.306–50, and 590.306–51 are added as follows:

§ 590.253–2 *Principal purchasing offices.* The following are designated as the principal purchasing offices of the Army Establishment:

CHEMICAL CORPS

Atlanta Chemical Procurement District, Atlanta, Ga.
Boston Chemical Procurement District, Boston Army Base, Boston, Mass.
Chicago Chemical Procurement District, Chicago, Ill.
Dallas Chemical Procurement District, Dallas, Tex.
New York Chemical Procurement District, New York, N. Y.
San Francisco Chemical Procurement District, Oakland Army Base, Oakland, Calif.
Chemical Corps Procurement Agency, Army Chemical Center, Md.

CORPS OF ENGINEERS

Chicago Procurement Office, Corps of Engineers, Chicago, Ill.
District Engineer Office, New York District, Corps of Engineers, New York, N. Y.
District Engineer Office, Philadelphia District, Corps of Engineers, Philadelphia, Pa.
District Engineer Office, Pittsburgh District, Corps of Engineers, Pittsburgh, Pa.
District Engineers Office, St. Louis District, Corps of Engineers, St. Louis, Mo.
Division Engineer Office, South Atlantic Division, Lumber Branch, Corps of Engineers, Atlanta, Ga.
District Engineer Office, Portland District, Lumber Branch, Corps of Engineers, Portland, Oreg.

ARMY MEDICAL SERVICE

Armed Services Medical Procurement Agency, Brooklyn, N. Y.

ORDNANCE CORPS

Aberdeen Proving Ground, Aberdeen Proving Ground, Md.
Ordnance Tank-Automotive Center, Detroit, Mich.
Ordnance Ammunition Center, Joliet, Ill.
Ordnance Small Arms Ammunition Center, St. Louis, Mo.
Detroit Arsenal, Center Line, Mich.
Frankford Arsenal, Philadelphia, Pa.
Picatinny Arsenal, Dover, N. J.
Raritan Arsenal, Metuchen, N. J.
Rock Island Arsenal, Rock Island, Ill.
Springfield Armory, Springfield, Mass.
Watertown Arsenal, Watertown, Mass.
Watervliet Arsenal, Watervliet, N. Y.
Rossford Ordnance Depot, Toledo, Ohio.
Birmingham Ordnance District, Birmingham, Ala.
Boston Ordnance District, Boston Army Supply Base, Boston, Mass.
Chicago Ordnance District, Chicago, Ill.
Cincinnati Ordnance District, Cincinnati, Ohio.
Cleveland Ordnance District, Cleveland, Ohio.
Detroit Ordnance District, Detroit, Mich.
Los Angeles Ordnance District, Pasadena, Calif.
New York Ordnance District, New York, N. Y.
Philadelphia Ordnance District, Philadelphia, Pa.
Pittsburgh Ordnance District, Pittsburgh, Pa.
Rochester Ordnance District, Rochester, N. Y.
St. Louis Ordnance District, St. Louis, Mo.
San Francisco Ordnance District, Oakland Army Base, Oakland, Calif.
Springfield Ordnance District, Springfield Armory, Springfield, Mass.

QUARTERMASTER CORPS

Oakland Quartermaster Procurement Agency, Oakland, Calif.
New York Quartermaster Procurement Agency, New York, N. Y.
Quartermaster Supply Section, Columbus General Depot, U. S. Army, Columbus, Ohio.
Chicago Quartermaster Depot, Chicago, Ill.
Philadelphia Quartermaster Depot, Philadelphia, Pa.
Headquarters, QM Market Center System, Chicago, Ill.

SIGNAL CORPS

Signal Corps Supply Agency, Philadelphia, Pa.
Laboratory Procurement Office, Signal Corps Supply Agency, Fort Monmouth, N. J.
NSA Procurement Office, Procurement and Distribution Division, CCSigO, Washington, D. C.

TRANSPORTATION CORPS

Transportation Corps Central Procurement Agency, Marietta TC Depot, Marietta, Pa.

§ 590.306 *Place of delivery.*

§ 590.306–1 *Domestic shipments.* (a) Bids and proposals will be evaluated on the basis of over-all cost to the Government. In connection with bids or proposals submitted on an f. o. b. origin basis, transportation costs between the source of supply and the designated destination point or points will be considered in determining the lowest estimated cost to the Government.

(b) To facilitate the evaluation of bids and proposals and to assure accurate analyses, Contracting Officers will request the advisory services of local transportation officers to assist in determining the lowest possible transportation costs to a given point.

§ 590.306–50 *Furnishing of freight rates.* (a) The function of furnishing freight rates for use by Contracting Officers for the evaluation of bids and proposals as required by § 590.306–1 has been assigned to continental army commanders. Continental army commanders will establish procedures within their respective areas for furnishing rates and will maintain centralized tariff files in the Office of the Army Transportation Officer in order to provide a rate quoting service to purchasing offices. The rate quoting service operated by continental army commanders for purchasing offices is under the technical supervision of the Chief of Transportation.

(b) Purchasing offices will obtain freight rates from the Army Transportation Officer in the headquarters of the continental army command within whose geographical limits the purchasing offices are located regardless of the origin and destination points of the intended purchases, except that a rate quoting service will be provided in the Office of the Chief of Transportation for purchasing offices assigned within the Military District of Washington.

§ 590.306–51 *Oversea purchases.* Subject to any instructions which may be issued by the Head of the Procuring Activity involved, Contracting Officers are authorized to deviate from § 590.306 of this chapter and § 400.306 of this title in effecting procurement outside the continental United States.

2. Sections 590.350 and 590.355–1 are revised and in § 590.357 paragraph (a) is revised and paragraph (c) is rescinded as follows:

§ 590.350 *F. o. b. purchasing policy.* See § 400.306 of this title and § 590.306.

§ 590.355–1 *Statement of policy.* It is the policy of the Military Departments that information be disseminated as widely as possible, each week, with respect to awards of unclassified contracts, exceeding $25,000 in amount, whether entered into after formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.

§ 590.357 *Selection of contractor.* * * *

(a) A pre-award qualification check or survey will be made of the technical and financial capabilities of the prospective Contractor in order to provide the basis for evaluating responsibility. Qualification checks or surveys may be curtailed to the extent the prospective Contractor's qualifications are known to be satisfactory or when not required in the judgment of the Contracting Officer. The contract file of the Contracting Officer will contain a record of his determination of the responsibility of the Contractor in all cases over $1,000, with such supporting evidence as is secured by him through qualification checks or surveys. In the event the Contracting Officer determines that a pre-award survey need not be made, a statement to that effect with supporting reasons for the waiver on all contracts over $1,000 will be made a part of the contract file.

* * * * *

(c) [Revoked.]

3. Sections 590.456, 590.602 (a) and 590.604–2 are revised as follows:

§ 590.456 *Responsibility for insuring the availability of funds.* Contracting Officers will, prior to the incurrence of an obligation, obtain from the Fiscal Officer a certificate which will contain a citation of the proper funds to be charged and a statement that sufficient funds are available for payment of the contractual obligation to be incurred. The certificate shall be retained in the contract file. The Fiscal Officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred.

§ 590.602 *Execution of contracts; requirements*—(a) *Statement as to availability of funds.* The appropriation and allotment chargeable will be cited on all contracts, purchase orders, and delivery orders. The signature of a Contracting Officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited.

* * * * *

§ 590.604–2 *Leases of Government personal property.* Leases of Government personal property, regardless of amount, except as heretofore or hereafter may be delegated by the Secretary will be submitted for approval by the Secretary. Requests for approval will be addressed to the Chief, Purchases Branch, Assistant Chief of Staff, G–4, Department of the Army.

4. Sections 590.604–12 is revised and in § 590.607–1 (b) subparagraphs (5) and (6) are revised as follows:

§ 590.604–12 *Contract review.* At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts prior to contract approval by the subordinate commanders or chiefs of field offices. This review will apply to both advertised and negotiated procurements, regardless of the level of procuring authority, and will be for the purpose of insuring that the clauses and conditions of the contract comply with the principles of good procurement and that the interest of the Government is adequately protected. In those instances wherein this is impracticable this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the head of a technical service, as appropriate.

§ 590.607–1 *Cost-reimbursement type contracts.* * * *

(b) *Differences and disputes.* * * *

(5) In the event that the Head of the Procuring Activity and the Comptroller of the Army are unable to agree, the dispute will be referred direct to the Secretary, who will render a final decision on the issues involved.

(6) Determination reached by the informal board will have the effect of a directive and will be so recognized by both the Contracting Officer and the Regional Auditor. Decisions by the Secretary will also be in the form of a directive and will have the same effect. Payment will then be made in accordance with the decisions reached. Such decisions do not preclude a contractor from seeking redress under any applicable provisions of the contract.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup 151–161)

PART 591—PROCUREMENT BY FORMAL ADVERTISING

1. In § 591.201 paragraph (k) is added and in § 591.401 paragraph (b) is revised as follows:

§ 591.201 *Preparation of forms.* * * *

(k) *Price escalation.* If it is anticipated that some or all of the bidders will respond with bids including escalation provisions, the Invitations for Bids will clearly state the escalation clause (to be selected from those appearing in § 596.–151 of this chapter) which may be used and that will be considered responsive, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

§ 591.401 *Opening of bids.* * * *

(b) The Contracting Officer will decide when the specified time has arrived. He will then personally and publicly open all bids received and, when practicable, read them aloud to the bidders present.

* * * * *

2. Section 591.404 is revised, and in § 591.406 paragraph (b) is revised, and in § 591.407 paragraph (a) is revised as follows:

§ 591.404 *Minor informalities or irregularities in bids.* (a) Suppliers frequently submit with their bids additional information on letterheads or other forms which incorporate printed terms and conditions used by the supplier in his commercial business. These printed terms and conditions are very often in conflict with the general provisions or may contain language affecting bid prices. Unless it clearly appears on the face of the bid that such terms and conditions are intended to be a part of the bid, the bidder shall be given an opportunity to state whether or not they are so intended. If the bidder submits a written statement that such terms and conditions were not intended to form a part of the bid, they may be disregarded in considering the bid.

(b) A bidder failing to furnish, (1) information regarding his aggregate number of employees, (2) his status as a source of supply as defined in § 400.201–9 of this title and § 590.201–9 of this chapter, or (3) the place of man-

ufacture of the supplies being purchased, will be permitted to make such representations after the bid opening but prior to award.

§ 591.406 *Award.* * * *

(b) *Price escalation.* (1) If the invitation for bids specifies the escalation clause that will be considered responsive, bids containing such provision will be evaluated by applying the maximum amount of escalation and award will be made to the bidder whose maximum price is lowest to the Government, providing the bid is otherwise responsive to conditions of the invitation.

(2) If the invitation for bids is silent on the matter of escalation, bids may not be rejected solely on the basis of inclusion of an escalation article; evaluation will be performed in the manner prescribed in subparagraph (1) of this paragraph. Authority for use of clauses other than those appearing in § 596.151 of this chapter must be received from Assistant Chief of Staff, G–4. In those instances where bidders respond with different types of escalation clauses and it is impossible to evaluate the bids adequately, the bids should be rejected and readvertisement effected with the invitation for bids containing an escalation article appearing in § 596.151 of this chapter.

* * * * *

§ 591.407 *Information to bidders*—(a) *Unclassified awards.* In the case of all unclassified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Should additional information be sought, purchasing offices will either (1) provide the unsuccessful bidder with the name and address of the successful bidder, together with the contract price, or (2) inform the inquirer that a copy of the Abstract of Bids is available for inspection at the purchasing office and at the Procurement Information Center, Washington, D. C., in the event this location is more convenient from a geographical viewpoint than the purchasing office (see § 591.405 (c)).

* * * * *

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 592—PROCUREMENT BY NEGOTIATION

1. Section 592.213–3 is revised to read as follows:

§ 592.213–3 *Limitation.* Procurements will not be negotiated under this authority unless the supplies to be purchased have been approved for standardization by the Secretary. Requests for standardization shall be submitted to the Advisory Committee on Procurement Without Advertising of Technical Equipment and Components, established by AR 15–440, which committee will act in an advisory capacity to the Secretary. Additional procedures with respect to the standardization of technical equipment may be issued by the committee. In the case of formal advertising contemplating subsequent negotiation of procurements of the same equipment from the successful bidder in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j) of this chapter.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 594—INTERDEPARTMENTAL PROCUREMENT

1. Section 594.000, the headnote of subpart A, and § 594.101 are revised to read as follows:

§ 594.000 *Scope of part.* Supplementary to, but consistent with Part 404 of this title, this part sets forth the policy with respect to (a) procurement of supplies and services from or through the General Services Administration, (b) procurement of printing and related supplies, and (c) procurement of prison-made and blind-made products.

SUBPART A—PROCUREMENT FROM OR UNDER GENERAL SERVICES ADMINISTRATION

§ 594.101 *Statement of policy*—(a) *Requirement.* It is the requirement of this part that purchases will be made in accordance with Subpart A, Part 400 of this title.

(b) *Emergency purchase.* In any case when, pursuant to paragraph (a) of this section, purchase of a mandatory item listed by General Services Administration is not made, the voucher submitted to the Disbursing Officer for payment shall contain a finding that the purchase was justified as the item could not be furnished by General Services Administration by the time such item was required. Such a finding shall be final and conclusive. The authority to make such a finding is vested in the Heads of Procuring Activities, with authority to redelegate. In each instance, the finding will set forth the specific reasons why the time element made the purchasing necessary.

2. Sections 594.103 and 594.104 are revoked, in § 594.301 paragraph (a) is revised and § 594.302 is revised as follows:

§ 594.103 *Procurement from Supply Centers of Federal Supply Service.* [Revoked.]

§ 594.104 *Use of Stock Catalog, Federal Supply Service, Washington, D. C.* [Revoked.]

§ 594.301 *Prison made products.*—(a) *Requirement.* All items manufactured by, and all services rendered by Federal Prison Industries, Inc., shall be purchased from that agency, except (1) in those instances in which a general or special clearance for the purchase of the item or service from commercial sources has been granted, or (2) for items being purchased in less than carload lots in accordance with § 404.301 of this title.

* * * * *

§ 594.302 *Blind made products.*—(a) *Exceptions.* Purchase of supplies listed in the Schedule of Blind-Made Products need not be made from non-profit-making agencies for the blind when (1) a general clearance for the purchase of the items from commercial sources has been granted, (2) the procurement does not exceed a single unit as listed in such Schedule, (3) the supplies are for use outside the continental United States, or (4) purchased from a Federal Supply Service Center.

(b) *General clearance.* A general clearance, dated June 3, 1942, has been granted the Department by the Committee on Purchases of Blind-Made Products to purchase from commercial sources any item listed in the Schedule of Blind-Made Products when military necessity requires delivery of the article needed within a period of two weeks.

(c) *Special clearance.* The Federal Supply Service, General Services Administration, may grant a special clearance permitting procurement from commercial sources of supplies listed in such Schedule of Blind-Made Products (1) when necessary to meet emergency requirements or (2) when no agency for the blind is in a position to furnish the required supplies.

(d) *Procurement procedure.* Procurement of items listed in the Schedule of Blind-Made Products will be in accordance with the detailed regulations, instructions, and ordering procedures prescribed in such schedule and any amendments or price lists issued in connection therewith. Current copies of such schedule may be obtained from the Federal Supply Service, General Services Administration, Washington 25, D. C.

(e) *Procurement priority.* When supplies manufactured by non-profit-making agencies for the blind are similar to those manufactured in Federal penitentiaries, procurement priority will be given to the Federal Prison Industries, Inc.

(f) *Clearance reference.* It is not necessary to attach a copy of the general clearance to the procurement contract or voucher. A reference on either the contract or voucher to "General Clearance dated June 3, 1942" is sufficient.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 595—FOREIGN PURCHASES

1. Section 595.103–4 is revised and in § 595.107, paragraph (c) is revised as follows:

§ 595.103–4 *Nonavailability of supplies or materials.* (a) The Secretary has delegated to the Assistant Chief of Staff, G–4, Department of the Army, authority to determine under the provisions of the Buy American Act upon a proper showing of facts, that certain articles, materials, or supplies of the class and kind to be used by the Army Establishment, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; and to authorize the purchase from foreign sources, and use by the Army Establishment, of such articles, materials, or supplies from which they are manufactured, as are determined after a proper showing of fact, to be not mined, produced, or manufactured, as the case may be, in the

United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. This authority has been successively redelegated to the Chiefs and Assistant Chiefs of the Procurement Division, and Purchases Branch of that Division, respectively, in the Office of the Assistant Chief of Staff, G–4. A delegation has also been made to the heads of technical services. (See paragraph (c) of this section.)

(b) Section 405.103–4 of this title will be applied and used only after a determination, in writing, has been made by the Chief, Purchases Branch, Office, Assistant Chief of Staff, G–4 or by the head of the technical service, his deputy, or a general officer personally selected by him, as authorized in paragraph (c) of this section. Requests for such determinations shall be forwarded through channels and will contain the following information:

(1) Description of the item or items (include unit and quantity).

(2) Estimated cost.

(3) State whether duty is included in estimated cost (if duty is not included but normally would be included therein, give reason for inclusion).

(4) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.

(5) Country of origin.

(6) Name and address of proposed contractor.

(7) Brief statement as to necessity for procurement.

(8) State what effort was made to procure a similar item of domestic origin (if there is no known domestic item which may be used as a reasonable substitute, so state).

(c) The determination referred to in paragraph (a) of this section may be made by the heads of technical services, subject to the following:

(1) This authority will not be used for exemptions under § 405.104 or § 405.105–1 of this title. The head of the technical service is further authorized to redelegate to the deputy of the technical service or a general officer personally selected by the head of the technical service and appropriately assigned with respect to the procurement responsibilities involved.

(2) There will be forwarded once a month to the Assistant Chief of Staff, G–4, Attn: Chief, Purchases Branch, a copy of all determinations and exemptions made by the Heads of the Technical Services. All determinations and exemptions will be collected and forwarded once a month, so as to be received in Office, Assistant Chief of Staff, G–4, by the 10th of the month following the month during which the exemption was granted.

(3) A determination is prepared in substantially the following form:

CERTIFICATE

Pursuant to the authority contained in Section 2, Title III of the act of March 3, 1933, popularly called the Buy American Act (47 Stat. 1520; 41 U. S. C. 10a–d) and authority delegated to me by the Chief of Procurement Division, Office of the Assistant Chief of Staff, G–4, I hereby determine:

a. (Statement of the items to be procured and the necessity for this procurement and basis of nonavailability.)

Based upon the above showing of fact it is determined that the above described items are not mined, produced, or manufactured, or the articles, materials or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, an exception is hereby granted under the provisions of the Buy American Act to the requirement that the above described procurement to be made from domestic sources and that it be of domestic origin. Authority is granted to procure the above described item(s) of foreign (Foreign Country) at an estimated total cost of $ (Total Dollar Cost including transportation and duty).

(d) When a determination has been made to the effect that the provisions of the Buy American Act are not applicable to the purchase, the signed copy of such determination will be attached to the voucher upon which payment is made.

§ 595.107 *References in contractual documents.* * * *

(c) *Special clause for the construction, alteration, or repair of public buildings and public works.* The specifications accompanying the invitation for bids for the construction, alteration, or repair of public buildings or public works in the United States will contain the following:

Because the materials listed in § 405.109 of this title, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the work herein specified (subject to the requirements of the specifications) is authorized, without regard to the country of origin.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 596—CONTRACT CLAUSES AND FORMS

1. Section 596.103–8 is revised to read as follows:

§ 596.103–8 *Assignment of claims—*(a) *Set-off as against assignee.* (1) In time of war or national emergency proclaimed by the President (including the national emergency proclaimed December 16, 1950) or by act or joint resolution of the Congress, contracts of the Army Establishment, as well as certain other Government agencies, may provide that payments due or to become due under such contracts shall not be subject to reduction or set-off as against an assignee.

(2) Such provision is contained in the last sentence of clause (a) of the Assignment of Claims clause, set forth in § 406.103–8 of this title, which reads as follows:

* * * Nothwithstanding any other provision of this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

In cases where special circumstances make it advisable in the best interests of the Government, Heads of Procuring Activities may authorize deletion of the above quoted sentence. In any event, the sentence will be deleted from (i) contracts entered into with foreign contractors, (ii) contracts for transportation of persons or property and (iii) contracts entered into after a war or national emergency proclaimed by the President or by act or joint resolution of the Congress has been terminated in such manner.

(3) Provisions having the same general effect although not precisely as quoted in subparagraph (2) of this paragraph, such as that previously authorized in § 406.103–8 of this title, will nevertheless entitle the assignee to the benefits of Public Law 30, 82d Congress.

(4) Reduction of or set-off from payments to be made to an assignee will be effected with respect to liabilities of the assignor to the Government arising out of matters in connection with the contract, or of amounts which may be collected or withheld from the assignor in accordance with, or for failure to comply with, the terms of the contract, except as stated in § 406.103–8 of this title. Examples of cases in which set-off will be made include (but are not limited to):

(i) Amounts due pursuant to price redetermination clauses.

(ii) Deduction of liquidated damages.

(iii) Excess costs and damages after termination for default.

(iv) Equitable adjustments and rejections under the Changes, Inspection and Guaranty clauses.

(v) Damages resulting from fraud or criminal conduct.

(5) It is the view of the Department of the Army, concurred in by the General Counsel, Office of the Comptroller General and the American Bankers Association, that existing contracts containing the provision against set-off included in § 406.103–8 of this title, need not be amended in order to obtain the benefits of Public Law 30, 82d Congress. Accordingly existing contracts will not be amended for the above purpose.

(b) *Refunds, etc., of payments received by assignees.* In any case in which moneys due or to become due under any contract are or have been assigned pursuant to section 1 of the Assignment of Claims Act of 1940, as amended, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.

(c) *Filing of notice of assignment.* The assignee shall file written notice of the assignment together with a true copy of the instrument of assignment with:

(1) The Contracting Officer.

(2) The surety or sureties upon the bond or bonds, if any, in connection with the contract.

(3) The Disbursing Officer, if any, designated in the contract to make payment.

(d) *Assignor's statement.* Where direct payment is made to an assignee, the contractor will furnish on each voucher,

invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(e) *Information to be furnished to assignees.* Contracting Officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 597—TERMINATION

1. Section 597.704 is hereby revoked.

§ 597.704 *Termination clause for research and development contracts.* [Revoked.]

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 598—PATENTS AND COPYRIGHTS

1. Section 598.301–10 is revised to read as follows:

§ 598.301–10 *Existing delegations under paragraphs (a), (b), (c) and (d) of § 598.301–9.* (a) The powers, duties, and authorities described in paragraphs (a), (b), (c) and (d) of § 598.301–9 have been delegated by the Under Secretary of the Army or by the Officers designated in § 598.301–9 to each of the following offices, boards, agents or persons as indicated in the following tabulation:

Delegate	Powers, duties, and authorities described in paragraphs—			
	(a)	(b)	(c)	(d)
Heads of the Technical Services	X	X	X	X
Royalty Board, Office of the Chief of Ordnance	X	X	X	
The Chief of each Ordnance Procurement District (when such position is filled by a commissioned officer ou active duty)				X
The Deputy Chief of each Ordnance Procurement District (when such position is filled by a commissioned officer on active duty and when the position of District Chief is not filled by a commissioned Officer on active duty)				X
Commanding General, Ordnance Tank Automotive Center				X
Commanding Officer, Detroit Arsenal				X
Commanding Officer, Frankfort Ordnance Arsenal				X
Commanding Officer, Picatinny Ordnance Arsenal				X
Commanding Officer, Rock Island Ordnance Arsenal				X
Commanding Officer, Springfield Ordnance Armory				X
Commanding Officer, Watertown Ordnanco Arsenal				X
Commanding Officer, Watervlict Ordnance Arsenal				X
Chief, Legal Division, Office of the Chief Signal Officer	X	X	X	X
Royalty Adjustment Board, Office of The Quartermaster General	X	X	X	X
Royalty Adjustment Board, Office of the Chief of Engineers	X	X		X
Royalty Adjustment Board, Office of The Surgeon General	X	X		X
Chief, Legal Division, Office of the Chief of Transportation	X	X		

(b) If the head of a technical service desires that any of the powers, duties, and authorities set forth in § 598.301–9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate office specified in § 598.301–9. Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired.

(c) Where any of the powers, duties, and authorities set forth in § 598.301–9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and appointed as provided in § 598.301–9. Unless otherwise provided in the instrument of delegation (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 599—BONDS AND INSURANCE

1. Section 599.102 is revoked.

§ 599.102 *Bid bonds.* [Revoked.]

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 600—FEDERAL, STATE, AND LOCAL TAXES

1. Paragraph (a) of § 600.350 is revised to read as follows:

§ 600.350 *Questions of applicability of tax laws; negotiations.* (a) It is desired that uniformity of action on behalf of the Army Establishment in tax matters be maintained. Independent conferences or direct negotiations with State and local tax authorities will not be undertaken by Army Establishment or contractor personnel for the purpose of obtaining exemption, refund, or for determining the applicability of any tax, except upon express authority of the Office of The Judge Advocate General. In this connection attention is invited to paragraph 12, AR 27–5, April 3, 1951, relating to requests for Government representation in legal proceedings of interest to the Department of the Army. The Department of the Army is interested in legal proceedings arising out of the imposition of assessments of taxes upon contractors in instances where the contracts contain provisions that may form a proper basis for demands by them for reimbursement by the government in connection with the proceedings. Requests for representation or intervention by the Department of Justice in such proceedings will be made by The Judge Advocate General, if necessary and proper, and will not be made by others in the Army Establishment.

* * * * *

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

PART 601—LABOR

1. In § 601.101 (b) subparagraphs (3) and (4) are revised as follows:

§ 601.101 *Labor relations.* * * *

(b) *Labor responsibility.* * * *

(3) The Head of the Procuring Activity is authorized to communicate with local labor organizations, and the local offices of State and Federal agencies, for the purpose of removing necessary material from strikebound facilities in accordance with procedures prescribed in Subpart K of this part.

(4) Where any labor dispute, work stoppage, or threatened work stoppage significantly affects or threatens to affect important procurement, the Head of the Procuring Activity will submit a Report of Labor Disputes, Reports Control Symbol JAG–10, by the most expeditious and practical means available to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) with an informational copy to the Assistant Chief of Staff, G–4, Department of the Army (Attn: Chief, Production Branch). Such report will include the following data, to the extent pertinent:

(i) Name and location of manufacturer; name and title of company official contacted (if manufacturer is a subcontractor, include the name and location of the prime contractor(s)).

(ii) Items being produced (if a subcontractor is involved, identify the prime contract items).

(iii) Name and national affiliation of union locals involved; names of local union official and result of any contacts with same.

(iv) Effect of production of Army matériel.

(v) Detailed description of critical items (if any) which should be removed from plant or continued to be processed there with mutual consent of contractor and union, if obtainable.

(vi) Date of commencement of the dispute and date of important incidents of the dispute such as notice of strike, strikes, lockouts, settlements, etc.

(vii) Statement of any action taken or contemplated by the manufacturer.

(viii) Contract number(s) and type thereof (fixed-fee, lump-sum, unit price, etc.).

(ix) The issues or probable issues involved.

(x) Estimated number of employees directly and indirectly involved; estimated number who may be involved ultimately, both directly and indirectly; total number of employees at the facility.

(xi) Identity of any cognizant State and/or Federal authority engaged in mediation and conciliation activities.

(xii) Adequacy of plant guards and local police for protection of Government property, indicating whether plant-guard personnel are members of a union and, if so, local number and name, national

affiliation, and whether it is expected that they will go on strike.

(xiii) The quantity of services or military items involved, scheduled performance or delivery dates and the relation of the production affected by the dispute to the total military procurement program with respect to those services or military items.

(xiv) The stocks of the affected items on hand by the Procuring Activity and the current and anticipated rate of their depletion.

(xv) The existence or nonexistence of alternative facilities to furnish the military items involved within the time required.

(xvi) An appraisal of the degree and extent of emergency which is presented by the threatened or actual stoppage.

(xvii) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or matériel.

When time considerations do not permit expeditious reporting of all the information in this subparagraph, whatever information is immediately available should be furnished in the initial report. However, in such circumstances the additional information required in this subparagraph will be submitted by the most expeditious means as soon as possible. Supplemental reports will be submitted as necessary to report important development following the initial report. In situations of urgency, initial and supplemental reports should be made by telephone (Chief, Industrial Relations Branch, JAGO), or other informal means, but in all such cases the information informally submitted shall be confirmed in writing as soon as possible thereafter.

* * * * *

2. A new Subpart K, including §§ 601.1101, 601.1150, 601.1151, 601.1152, and 60.1153, is added to Part 601 as follows:

SUBPART K—REMOVAL OF ITEMS FROM FACILITIES AFFECTED BY WORK STOPPAGE

Sec.

601.1101 Basic considerations.
601.1150 Determination of urgency.
601.1151 Administrative procedure.
601.1152 Coordination.
601.1153 Avoidance of detrimental incidents.

§ 601.1101 *Basic considerations.* Policy and procedure governing the removal of items from facilities affected by work stoppage prescribe that principal reliance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement, provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall undertake the mediation of such dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

§ 601.1150 *Determination of urgency.* Before action leading to the removal of any item is initiated, assurance will be secured that the item in question is urgently needed. Among the factors to be considered in determining urgency are:

(a) Whether the product is in such short supply that unless it is removed there will be a failure to meet schedules for urgently needed military items.

(b) Whether there are alternative sources of supply of such products reasonably available to furnish the particular item within the time within which delivery is required.

§ 601.1151 *Administrative procedure.* Where urgency is clearly established, Procuring Activities may seek the removal of military items from facilities effected by a work stoppage in accordance with the following procedures:

(a) An attempt will be made to work out an arrangement with plant management and the local union involved for the removal of the required items by the shipping means normally used by the company.

(b) If the course prescribed in paragraph (a) of this section is not successful, an effort will be made to obtain the concurrence of both parties to the labor dispute for removal of the items by military vehicles and, if necessary, by military personnel.

(c) If the procedures prescribed in paragraphs (a) and (b) of this section fail, and upon a determination by the Head of the Procuring Activity that additional efforts should be made to accomplish removal of the items in question, the Head of the Procuring Activity will submit the matter to the Procurement Secretary, Attn: Office of the Labor Adviser, with appropriate recommendation and comment to insure effective and coordinated action. Referrals of removal cases to the Procurement Secretary will include the following information:

(1) Name and address of company from which items are to be removed.

(2) Name of company official who may be contacted for purposes of effectuating removal.

(3) Identification and address of local union.

(4) Name of local union official who may be contacted for purposes of effectuating removal.

(5) Brief statement relating to the reasons for the necessity of removing the items in question.

(6) Description of items to be removed: Nature of items, amount, approximate weight, purchase order number, shop or number.

(7) Amount of work required preparatory to shipment of items.

(8) Mode of transportation by which items are to be removed.

(9) Destination of items.

(d) All action taken pursuant to paragraphs (a) and (b) of this section will be reported, through channels, to the Procurement Secretary, Attn: Office of the Labor Adviser.

§ 601.1152 *Coordination.* (a) Where two or more Procuring Activities are, or may become, involved in the removal of urgent items from a facility affected by a work stoppage, efforts will be made by the Procuring Activities concerned to agree on a single Procuring Activity, where practicable, to effectuate removal arrangements.

(b) In situations affecting one or both of the other military departments, removal arrangements should be similarly coordinated, where practicable, by the Procuring Activities involved, with representatives of other military departments.

§ 601.1153 *Avoidance of detrimental incidents.* It is emphasized that the express policy of the Department of Defense with respect to the removal of items from facilities affected by work stoppages is to avoid the use of force or the appearance of force, and care will be taken to prevent the occurrence of incidents detrimental to harmonious relations with labor and management.

[C 9, App. Nov. 15, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 53–1395; Filed, Feb. 11, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 42, Amdt. 6]

GOR 42—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR MACHINERY AND RELATED MANUFACTURED GOODS AND BUILDING MATERIALS

ASBESTOS PAPER, ASBESTOS MILLBOARD AND CONVERTED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 42 provides for interim adjustments in the ceiling prices of asbestos paper, asbestos millboard and converted products. It was found after a statistical survey of the industry that these adjustments are required under the "Industry Earnings Standard." This standard, which is explained in more detail in the statement of considerations accompanying the original GOR 42, is applied by OPS to insure that ceiling prices of commodities are generally fair and equitable.

The adjustments authorized herein are to be applied to the present selling prices of the commodities. The industry has continued to sell at its GCPR ceiling prices, none of the firms in the industry have applied for "Capehart" adjustments.

The increased cost of asbestos paper which may result from the issuance of

this amendment was taken into account in calculating the adjustment for converted products. Increased costs of outbound transportation were also taken into account in determining the amounts of the adjustments authorized by this amendment.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respect:

1. Article II is amended by the addition of the following section 26:

SEC. 26 *Asbestos paper, asbestos millboard and converted products*—(a) *Commodities included.* (1) Asbestos paper, which is defined as a flexible felted material, composed principally of asbestos fiber and binder, and manufactured in various weights and thicknesses for various insulating purposes and for use in the manufacture of asbestos paper insulation as defined below.

(2) Asbestos millboard, which is defined as a material in the form of semi-flexible sheets of various sizes and thicknesses, composed principally of asbestos fiber and binder, manufactured for such industrial uses as protection against fire, heat and acid fumes.

(3) Converted products, which consist of asbestos paper insulation and wool felt insulation. Asbestos paper insulation is defined as any of several types of insulating materials which are composed of layers of asbestos paper in the form of pipe covering, blocks or flat, curved or flexible sheets used for such purposes as insulating low pressure steam pipes and boilers, hot water storage tanks, medium high temperature steam pipes and boilers, and warm air pipes and ducts. Wool felt insulation is defined as any of several types of insulating materials which are composed of layers of wool felt paper, sometimes with the addition of waterproof liners and wrappers, used for insulating hot and cold water pipes and preventing condensation on cold water pipes. This paragraph does not include the materials known as "building paper," or any material when used in the manufacture of roofing, or any other material not included in the terms "asbestos paper," "asbestos millboard," "asbestos paper insulation" or "wool felt insulation" by ordinary business usage.

(b) *Adjustment period price.* The adjustment period price for each commodity included in paragraph (a) of this section is the highest price at which it was delivered or offered for delivery during the period October 1, 1952 to February 11, 1953, not to exceed the applicable ceiling price then in effect.

(c) *Percentage adjustments.* The percentage adjustment for each commodity or group of commodities included in this section 26 is the percentage listed below opposite that commodity or group of commodities:

Commodity:	*Percentage adjustment (percent)*
Asbestos paper	6.25
Asbestos millboard	106.25
Converted products	103.2

(d) *Relationship to GOR 35.* The adjusted ceiling prices established by this section may be further adjusted under the provisions of General Overriding Regulation 35 (Pass through for pig-iron, steel copper and aluminum cost increases), where applicable, for the purposes of GOR 35. The adjusted ceiling price under this section shall constitute the "old ceiling price" as defined in section 21 of GOR 35.

(e) *Effective date.* The adjustment authorized by this section 26 becomes effective February 11, 1953.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 11, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1488; Filed, Feb. 11, 1953; 11:47 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CHIEF SIGNAL OFFICER

STATEMENT OF ORGANIZATION AND FUNCTIONS OF AGENCIES DEALING WITH THE PUBLIC

Paragraph (j) (7) of section 2, statement of organization and functions, published in 16 F. R. 7775, August 8, 1951, is amended to include subdivisions (x) and (xi), as follows:

SEC. 2. *Organization and functions of agencies dealing with the public.* * * *

(j) *Office of the Chief Signal Officer.* * * *

(7) *Organization.* * * *

(x) Procurement of the items of Signal Corps equipment and services mentioned below is handled by the Signal Corps Supply Agency and its branches at the following locations:

(*a*) Signal Corps Supply Agency, 225 South Eighteenth Street, Philadelphia 3, Pennsylvania (Telephone: Kingsley 6-3200), Chicago Regional Office, SCSA, 615 West Van Buren Street, Chicago 7, Illinois (Telephone: Andover 3-0234), Los Angeles Regional Office, SCSA, Parkway Building, 117 East Colorado Street, Pasadena 1, California (Telephone: Ryan 1-6655), New York Regional Office, SCSA, 70 East Tenth Street, New York 3, New York (Telephone: Spring 7-4200).

Antenna equipment.
Batteries, primary.
Capacitors.
Coils.
Cords and cable assemblies.
Electrical test equipment.
Electron tubes.
Facsimile and sound equipment.
Flashlights and lanterns.
Headsets and microphones.
Industry preparedness measures.
Insulators and insulating material.
Line construction material.
Meteorological equipment.
Pigeon equipment.
Quartz crystals.
Radar equipment.
Radio equipment.
Radiological detecting devices.
Reels, wire and cable.
Splicing material.
Teletypewriter equipment.
Tool equipment.
Transitors.
Wire and cable, communications.
Wire communications equipment, field.
Wire communications equipment, fixed plant.
Miscellaneous communications and electronics parts and materials.

(*b*) Laboratory Procurement Office, Signal Corps Supply Agency, Watson Area, Fort Monmouth, New Jersey (Telephone: Eatontown 3-1060). (Contracts for basic research on Signal Corps equipment and for developmental items.)

(c) Pictorial Center Procurement Office, SCSA, 35-11 35th Avenue, Long Island City 1, New York (Telephone: Ravenswood 6-2000). (Production of Motion Pictures, including hiring of actors, narrators, directors, and similar personnel, and photographic equipment and supplies, except film and photographic paper.)

(xi) The Signal Corps Supply Agency and its branches maintain bidders' lists containing names and addresses of responsible producers and regular dealers in the items listed in subdivision (x) of this subparagraph. Applications by producers and dealers to have their names placed on such bidders' lists may be made in writing to the Deputy for Procurement, Signal Corps Supply Agency, 225 S. Eighteenth Street, Philadelphia 3, Pennsylvania, or the Commanding Officer of appropriate regional office, or the Laboratory Procurement Office, Watson Area, Fort Monmouth, New Jersey; details should be furnished concerning the types of material produced or dealt in, plant capacity or quantities available and other facts showing capability to perform contracts which may be awarded. Invitations to bid are sent by contracting officers only to persons and companies listed on bidders' lists. Other interested parties may inspect copies of invitations which are posted on bulletin boards maintained in the procuring offices and available in the Procurement Information Center, in the Old Post Office Building, Washington, D. C. Drawings and specifications, if available, are supplied to

bidders by contracting officers. Invitations to bid are issued in quintuplicate. Bids are required to be completed in accordance with instructions issued with the invitations. One copy of the bid should be retained by the bidder and four copies in a sealed envelope must be submitted to the contracting officer at the place and on or before the hour and date specified in the invitation. In the case of formally advertised procurements, public openings of bids are held, ordinarily thirty (30) days after the issuance of invitations. Bidders or their representatives may be present at the public opening of bids.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-1396; Filed, Feb. 11, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COMPAGNIE GENERAL TRANSATLANTIQUE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7887 between Compagnie General Transatlantique and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Belgium (Antwerp) and France (Le Havre, Bordeaux) to the Virgin Islands, with transhipment at New York.

(2) Agreement No. 7888 between N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland America Line" and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Holland and Belgium to the Virgin Islands, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 9, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-1434; Filed, Feb. 11, 1953; 8:50 a. m.]

TH. BROVIG, "MEXICAN LINE" ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7886 between Th. Brovig, "Mexican Line" and Lykes Bros. Steamship Co., Inc., covers the transportation of cargo under through bills of lading from Mexico to Puerto Rico with transhipment at Houston, Texas.

(2) Agreement No. 7883 between Aztec Line and Waterman Steamship Corp., covers the transportation of cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New Orleans, La.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 9, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-1435; Filed, Feb. 11, 1953; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

The Andala Co., Coffee Street, Andalusia, Ala., effective 1-27-53 to 7-26-53; 20 learners for expansion purposes (work shirts and pants).

Colonial Fashions, Inc., 114 North Union Street, Petersburg, Va., effective 1-28-53 to 7-27-53; 75 learners for expansion purposes (dresses).

Dublin Garment Co., Temporary Building, 403 East Jackson Street, Dublin, Ga., effective 2-2-53 to 8-1-53; 75 learners for expansion purposes (sport shirts).

Dungaree Corp. of America, 194 Silver Street, Sharon, Pa., effective 1-31-53 to 7-30-53; 10 learners for expansion purposes (dungarees).

Dungaree Corp. of America, 194 Silver Street, Sharon, Pa., effective 1-31-53 to 1-30-54; 10 learners (dungarees).

Dunhill Shirt Co., Holden, Mo., effective 1-30-53 to 7-29-53; 10 learners for expansion purposes-(men's shirts).

Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 1-29-53 to 7-28-53; 10 learners for expansion purposes (nurses', maids' uniforms).

Ely & Walker Factory, Paragould, Ark., effective 1-30-53 to 1-29-54; 10 percent of the productive factory force (sport shirts).

Exmore Shirt Co., Inc., Broad Street, Exmore, Va., effective 1-28-53 to 7-27-53; 75 learners for expansion purposes (dress and sport shirts).

Forest City Manufacturing Co., DeQuoin, Ill., effective 2-2-53 to 5-1-53; 15 learners for expansion purposes (dresses).

Har-Tin Manufacturing Co., 1339 North Main Avenue, Scranton, Pa., effective 1-29-53 to 1-28-54; 6 learners (women's dresses).

Huggins Garment Co., Inc., Donaids, S. C., effective 1-29-53 to 1-28-54; 5 learners (sport and utility shirts).

Marja Brassiere Co., Inc., 210-12 East Commerce Street, Jacksonville, Tex., effective 2-2-53 to 2-1-54; 10 percent of the productive factory force (brassieres).

Mode O'Day Corp., 607 West Main Street, Osawatomie, Kans., effective 1-28-53 to 7-27-53; 30 learners for expansion purposes (ladies' blouses).

Patterson Manufacturing Co., Siloam Springs, Ark., effective 1-29-53 to 1-28-54; 10 learners (dungarees and ladies' sportswear).

Rival Dress Co., 110 West Blaine Street, McAdoo, Pa., effective 1-26-53 to 1-25-54; 10 learners (dresses).

H. A. Satin & Co., Inc., 2013 West Iowa Street, Evansville, Ind., effective 1-28-53 to 7-27-53; 10 learners for expansion purposes (women's cotton dresses).

I. Schneierson & Sons, Inc., Sanford, N. C., effective 1-30-53 to 1-29-54; 10 learners (women's cotton and rayon slips and petticoats).

I. Schneierson & Sons, Inc., Randleman, N. C., effective 1-30-53 to 1-29-54; 10 percent of the productive factory force (women's cotton slips and petticoats).

I. Schneierson & Sons, Inc., Silver City, N. C., effective 1-30-53 to 1-29-54; 10 percent of the productive factory force (women's rayon slips and petticoats).

Seekay Manufacturing Co., 320 Convent Street, Laredo, Tex., effective 1-29-53 to 1-28-54; five learners (children's dresses).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa, effective 2-14-53 to 2-13-54; five learners (infants wear).

Tidewater Garment Co., Inc., 2309 Washington Avenue, Newport News, Va., effective 2-2-53 to 2-1-54; 10 learners (dresses and gowns).

United Pants Co., Inc., Nuangola Branch R. D. No. 2, Mountain Top, Pa., effective 1-31-53 to 1-30-54; five learners (trousers and jackets).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga., effective 1-27-53 to 7-26-53; 50 learners for expansion purposes (work clothing).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

Alles & Fisher, Inc., 716 Columbus Avenue, Boston 20, Mass., effective 1-29-53 to 1-28-54;

10 percent of the productive factory force engaged in the learner occupations; cigar machine operating, 320 hours; packing (cigars retailing at more than 6 cents), 320 hours; stripping, 160 hours; each 65 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Acme Hosiery Mills, Inc., North Street, Asheboro, N. C., effective 1–30–53 to 1–29–54; 5 percent of the productive factory force.

Standard Hosiery Mills, Inc., Pittsboro Division, Pittsboro, N. C., effective 1–29–53 to 1–28–54; five learners.

Vermont Hosiery & Machinery Co., Northfield, Vt., effective 1–29–53 to 1–28–54; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Crawford Telephone & Telegraph Co., Girard, Kans., effective 1–28–53 to 1–27–54.

Home Telephone Co., Smithfield, Va., effective 1–29–53 to 1–28–54.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Caribe Aircraft Radio Corp., Coamo, P. R., effective 1–26–53 to 7–25–53; 40 learners; subassembly of radio parts, 240 hours at 35 cents per hour; assembly of parts into radios, 360 hours at 35 cents per hour; testers, 360 hours at 35 cents per hour; machine shop operators, 320 hours at 33 cents per hour, 320 hours at 35 cents per hour, 320 hours at 37 cents per hour (subassembly and assembly of radios).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of February 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53–1397; Filed, Feb. 11, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY VIRGINIA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts (17 F. R. 10611), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Virginia State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer to whom the authority has been redelegated:

VIRGINIA

Sections 729.418 (b) (5), 729.419, 729.421, 729.424 (a) and 729.430—Chairman or Acting Chairman of the State PMA Committee.

Issued at Washington, D. C., this 9th day of February 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53–1433; Filed, Feb. 11, 1953; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 1]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATION AND DELETIONS OF EXISTING STATIONS

JANUARY 12, 1953.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

This Change List is intended to clarify Lists Numbers 8 and 19, 1952.

REPUBLIC OF CUBA

Call letters	Location	Power kw	Antenna	Schedule	Class	Proposed date of change or commencement of operation
			1110 kilocycles			
CMKI	Guantanamo, Oriente (PO: 1400 kc).	0.25–D; 0.1—N	ND	U	II	Upon entry into force of the agreement.
			1260 kilocycles			
NEW	Bayamo, Oriente	0.25	ND	U	IV	Mar. 14, 1953, synchronized with CMCI—Havana.
			1580 kilocycles			
CMJS	Ciego de Avila, Camaguey.	0.25	ND	D	II	Mar. 14, 1953.

Assignment of call letters: change in location and characteristics. See new Annex 3.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1432; Filed, Feb. 11, 1953; 8:49 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 23]

DEPUTY ADMINISTRATOR

DELEGATION OF AUTHORITY TO EXERCISE FUNCTION AND AUTHORITY OF ACTING ADMINISTRATOR

Pursuant to the authority vested in me by the President's letter of February 10, 1953, and to the extent permitted by law, there is hereby delegated to the Deputy Adminstrator of the Defense Materials Procurement Agency the authority to exercise the functions vested in me as Acting Defense Materials Procurement Administrator.

1. The authority herein delegated may not be redelegated.

2. Delegation No. 2, dated September 17, 1951 (16 F. R. 9617), is hereby superseded.

(E. O. 10161 (15 F. R. 6105), as amended by E. O. 10281 (16 F. R. 8789))

This delegation shall be effective as of the date hereof.

Dated: February 10, 1953.

RUSSELL FORBES,
Acting Defense Materials Procurement Administrator.

[F. R. Doc. 53–1467; Filed, Feb. 11, 1953; 9:11 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1443]

OHIO FUEL GAS CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 6, 1953.

Notice is hereby given that on February 5, 1953, the Federal Power Commission issued its order entered February 3, 1953, modifying order (15 F. R. 7281) issuing certificate of public convenience

and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1399; Filed, Feb. 11, 1953; 8:45 a. m.]

[Docket No. G–1487]

CITY OF HASTINGS, NEBR., AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF OPINION

FEBRUARY 6, 1953.

Notice is hereby given that on February 5, 1953, the Federal Power Commission issued its Opinion No. 244 entered January 30, 1953, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1400; Filed, Feb. 11, 1953; 8:45 a. m.]

[Docket Nos. G–1595, G–1870]

KANSAS-COLORADO UTILITIES, INC. AND COLORADO INTERSTATE GAS CO.

NOTICE OF OPINION NO. 245

FEBRUARY 6, 1953.

In the matter of Kansas-Colorado Utilities, Inc., Docket No. G–1595; Colorado Interstate Gas Company, Docket No. G–1870.

Notice is hereby given that on February 4, 1953, the Federal Power Commission issued its opinion and order entered January 30, 1953, in the above-entitled matters, issuing certificate of public convenience and necessity, denying application in part, and dismissing application in Docket No. G–1595.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1401; Filed, Feb. 11, 1953; 8:46 a. m.]

[Docket Nos. G–1899, G–2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF FINAL DECISION

FEBRUARY 5, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on January 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on February 5, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1427; Filed, Feb. 11, 1953; 8:49 a. m.]

[Docket No. G–2063]

NORTHERN NATURAL GAS CO.

NOTICE OF AMENDED AND SUPPLEMENTED APPLICATION

FEBRUARY 6, 1953.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed on September 12, 1952, supplemented September 29 and October 27, 1952, and amended and supplemented on January 26, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the natural-gas transmission pipe-line facilities hereinafter described.

Applicant proposes to construct, at the estimated cost indicated below, the following facilities, all as more fully described in the application as amended and supplemented:

(I) Proposed to be constructed prior to January 1, 1954.

(A) MAIN PIPELINE ADDITIONS

	Diameter (inches)	Length (miles)	Estimated cost
(1) Between El Paso Natural Gas Co.'s, Dumas, Tex., compressor station and applicant's Sunray compressor station	30	14.6	$1,228,000
(2) Between applicant's Sunray compressor station and its Texas valve No. 5, at junction of its Sunray and Skellytown pipelines	30	37.3	2,825,000
(3) Texas valve No. 5, north (second line)	30	20.4	1,608,000
(4) Beaver, Kans., north (second line)	30	15.8	1,243,000
(5) Sublette, Kans., east (third line)	26	9.4	502,000
(6) Bushton, Kans., north (fourth line)	30	9.9	786,000
(7) Clifton, Kans., north (fifth line)	30	10.6	879,000
(8) Palmyra, Nebr., northeast (third line)	30	33.3	2,694,000
(9) Oakland, Iowa, north (third line)	30	39.2	3,396,000
(10) Ogden, Iowa, north (third line)	30	31.6	2,642,000
(11) South Sioux City, Iowa, north (second line)	24	15.9	800,000
(12) Paullina, Iowa, north (second line)	24	10.7	552,000
(13) Undercrossings—Smoky Hill and Des Moines Rivers	30	0.4	195,000
Total		249.1	19,350,000

(B) COMPRESSOR ADDITIONS

	Number of units	Horsepower/ unit	226.5 total horsepower	Estimated cost
(1) Beaver, Okla., second station	1	1,600	1,600	$1,091,000
(2) Mullinville, Kans., station	2	1,600	3,200	1,070,000
(3) Midpoint station No. 1 (Pawnee County, Kans.)	3	5,000	15,000	2,588,000
(4) Midpoint station No. 2 (Ottawa County, Kans.)	3	5,000	15,000	2,588,000
(5) Palmyra, Nebr., station	2	1,600	3,200	1,379,000
Total	11		38,000	8,716,000

(C) BRANCH PIPELINE AND OTHER ADDITIONS

	Diameter (inches)	Length (miles)	Estimated cost
(1) Coldwater, Kans., line loop	3	2.96	$26,300
(2) Greensburg, Kans., line replacement	3	4.8	42,700
(3) Claflin, Kans.; line loop	3	2.0	17,800
(4) Delphos, Kans., line loop	3	2.0	17,800
(5) Auburn-Pawnee City, Nebr., line loop	6	6.79	76,000
(6) Auburn, Nebr., line loop	6	4.8	53,800
(7) Pawnee City, Nebr., line loop	6	4.8	53,800
(8) Oakland, Iowa, line loop	3	1.4	12,500
(9) Perry, Iowa, line loop	6	2.41	30,600
(10) Des Moines, Iowa, line loop	16	18.6	624,000
(11) Marshalltown, Iowa, line loop	10	5.0	100,000
(12) Webster City, Iowa, line loop	4	5.0	51,000
(13) Mason City, Iowa, line loop	12	13.75	364,400
(14) Kensett, Iowa, line loop	4	2.4	24,500
(15) Owatonna, Minn., line loop	4	1.07	10,900
(16) Rochester, Minn., line loop	12	15.0	397,500
(17) Columbus, Nebr., line loop	10	28.02	582,200
(18) Arlington, Nebr., line loop	3	5.0	44,500
(19) Oakland, Nebr., line loop	4	1.0	9,500
(20) Wayne, Nebr., line loop	6	11.0	123,200
(21) Yankton, S. Dak., line loop	8	10.88	168,600
(22) Le Mars, Iowa, line loop	6	4.6	58,000
(23) Cherokee, Iowa, line loop	10	3.0	60,000
(24) Sioux Falls, S. Dak., second line	24	64.5	3,276,000
(25) Worthington, Minn., line loop	6	12.0	151,200
(26) Le Center, Minn., second line	3	1.64	14,600
(27) Chaska, Minn., line loop	8	11.0	181,500
Total		245.42	6,573,000

(D) BRANCH LINES AND TOWN BORDER STATIONS (TBS) TO SERVE NEW COMMUNITIES

(1) Bellevue, Nebr. (TBS only)			$8,710
(2) Carroll, Iowa	6	15.8	217,317
(3) Bayard, Iowa	2	0.25	8,380
(4) Scranton, Iowa	4	7.8	87,980
(5) Ralston, Iowa	2	3.25	30,295
(6) Glidden, Iowa	4	4.0	47,180
(7) Cedar Falls, Iowa	8	1.88	49,817
(8) Ankeny, Iowa	2	0.4	9,297
(9) Mitchellville, Iowa	3	2.94	32,580
(10) Colfax, Iowa	4	3.12	38,197

(D) Branch Lines and Town Border Stations (TBS) To Serve New Communities—Continued

	Diameter (inches)	Length (miles)	Estimated cost
(11) Waterloo, Iowa (including river crossings)	20	28.2	$3,390,649
	16	63.9	
(12) Newton, Iowa	16	7.0	890,817
	10	28.0	
(13) Castle Hill, Iowa	3	1.4	18,202
(14) Klemme, Iowa	2	1.2	15,580
(15) Red Wing, Minn	12	10.0	786,617
	10	20.5	
(16) Cannon Falls, Minn	3	2.0	24,169
(17) Eagle, Nebr	2	0.25	7,276
(18) Waverly, Nebr	2	0.36	8,076
(19) North Bend, Nebr	2	0.13	7,361
(20) Harrisburg, S. Dak	2	0.37	8,076
(21) Storm Lake, Iow	10	5.1	464,517
	8	20.0	
(22) Aurelia, Iowa	3	0.5	10,880
(23) Alta, Iowa	3	0.25	8,597
(24) Savage, Minn	2	2.8	27,955
Total		231.4	6,198,500

(E) Other facilities	$1,922,500
Interest during construction	974,000
General administration	874,000
(I) Total estimated cost	44,608,000

II. Proposed to be constructed prior to January 1, 1955.

(A) Main Pipeline Additions

	Diameter (inches)	Length (miles)	Estimated cost
(1) Beaver, Okla., north (third line)	30	28.0	$2,244,000
(2) Mullinville, Kans., north (fourth line)	30	14.2	1,205,000
(3) Bushton, Kans., north (fourth line)	30	10.9	844,000
(4) Midpoint compressor station No. 2, Kansas, north (fourth line)	30	19.3	1,592,000
(5) Clifton, Kans., north (fifth line)	30	21.1	1,672,000
(6) Beatrice, Nebr., north (fourth line)	30	10.7	885,000
(7) Palmyra, Nebr., northeast (third line)	30	16.5	1,450,000
(8) Oakland, Iowa, north (third line)	30	18.4	1,488,000
(9) Ogden, Iowa, north (third line)	30	11.3	882,000
(10) Ventura, Iowa, north (third line)	30	16.9	1,370,000
(11) South Sioux City, Iowa, north (second line)	24	10.5	519,000
(12) Undercrossings—Beaver, Solomon, Big Blue, Middle Raccoon and Boone Rivers	30	1.0	516,000
(13) Undercrossing—Missouri River	26	1.0	699,000
Total		179.8	15,366,000

(B) Compressor Additions

	Number of units	Horsepower/unit	Total horsepower	Estimated cost
(1) Beaver, Okla., No. 2 station	4	1,600	6,400	$1,396,000
(2) Mullinville, Kans., station	3	1,600	4,800	1,125,000
(3) Midpoint station No. 1, Kansas	1	5,000	5,000	770,000
(4) Midpoint station No. 2, Kansas	1	5,000	5,000	770,000
(5) Palmyra, Nebr., station	2	1,600	3,200	1,009,000
Total	11		24,400	5,070,000

(C) Other facilities	$209,000
Interest during construction	530,000
General administration	465,000
(II) Total estimated cost	21,640,000
Total estimated cost for G-2063 project	66,248,000

Applicant proposes to finance the proposed facilities through the issuance and sale of additional common stock and debentures as outlined and described in the application as amended and supplemented, particularly the first supplement thereto.

The installation of the proposed facilities, according to the amended and supplemented application,[1] will provide the added facilities required by Applicant to receive peak day volumes of 200 MMcf in 1954 and 300 MMcf in 1955 and thereafter from Permian Basin Pipeline Company, as proposed to be supplied by that company under its amended and supplemented application now pending before the Commission in Docket No. G-1928.[2] The application states that installation of the G-2063 facilities, upon receipt of 200 MMcf of natural gas from Permian in 1954, will increase Applicant's daily system salable capacity from 818 MMcf[3] to 1,019 MMcf, and upon recept of the additional 100 MMcf from Permian in 1955, will increase such capacity to 1,112 MMcf.

Applicant states that the proposed capacity increase resulting from the facilities proposed will be adequate to supply the additional contract demand volumes, beyond such volumes as are proposed to be supplied by Applicant's Docket No. G-1618 capacity, which Applicant's gas utility customers have requested for the presently served communities for use during the 1953-1954 heating season, and, in addition, will provide approximately 17 MMcf per day for certain new communities not presently served natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of February 1953. The application, as amended and supplemented, is on file with the Commission for public inspection.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 53-1398; Filed, Feb. 11, 1953; 8:45 a. m.]

[Project No. 943]

Puget Sound Power & Light Co. and Public Utility District No. 1 of Chelan County, Washington

Notice of Order Amending License

February 6, 1953.

Notice is hereby given that on December 8, 1952, the Federal Power Commission issued its order entered December 2, 1952, amending license in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 53-1402; Filed, Feb. 11, 1953; 8:46 a. m.]

[Project No. 1835]

Platte Valley Public Power and Irrigation District

Notice of Order Amending License (Major)

February 6, 1953.

Notice is hereby given that on December 18, 1952, the Federal Power Commission issued its order entered December 16, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 53-1403; Filed, Feb. 11, 1953; 8:46 a. m.]

[1] Notice of the G-2063 application filed on September 12, 1952, as supplemented on September 29 and October 27, 1952, was published in the Federal Register on November 1, 1952 (17 F. R. 9907-9908).

[2] Notice of the G-1928 application filed on March 28, 1952, as supplemented on September 5 and October 7, 1952, and supplemented and amended on November 20, 1952, was published in the Federal Register on January 30, 1953 (18 F. R. 658).

[3] The application states that Applicant assumes, in its G-2063 application, that the additional facilities involved In the Matter of Northern Natural Gas Company, Docket No. G-1618, will be constructed and placed in service prior to January 1, 1954.

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–168]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

FEBRUARY 5, 1953.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having previously filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), proposing the disposition of its holdings of common stock of the Washington Water Power Company ("Washington Company"), to be received pursuant to a plan of American Power & Light Company, a registered holding company and a former subsidiary of Bond and Share, and the Commission having approved such plan by memorandum opinion and order entered July 30, 1952 (Holding Company Act Release No. 11412); and

Bond and Share having in due course received from American Power & Light Company 183,050 shares of common stock of the Washington Company, which shares it had undertaken to dispose of pursuant to the aforesaid plan, and Bond and Share having distributed to its stockholders, pursuant to a dividend, 105,007 shares of such stock, and having sold an additional 11,500 shares, leaving a balance of 66,543 shares remaining to be disposed of; and

Bond and Share having on February 3, 1953, notified the Commission, pursuant to Rule U-44 (c) of the general rules and regulations of the act, of its intention to sell its remaining holdings of the common stock of the Washington Company, together with any shares (not to exceed 10,000) purchased for the purpose of stabilization pursuant to authority of this Commission entered by order dated February 3, 1953, and the Commission having on February 3, 1953, notified Bond and Share that no declaration need be filed with respect to such proposed disposition, and that the ten-day period prescribed in Rule U-44 (c) was being waived; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted;

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 66,543 shares of common stock of the Washington Water Power Company to Blythe & Co., Inc., is necessary or appropriate to the integration and simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53–1405; Filed, Feb. 11, 1953; 8:46 a. m.]

[File No. 54–210]

SOUTHERN NATURAL GAS CO. AND ALABAMA GAS CORP.

NOTICE REGARDING PLAN AND ORDER FOR HEARING

FEBRUARY 6, 1953.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company and Alabama Gas Corporation ("Alabama"), a public utility subsidiary of Southern, have filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for compliance with section 11 (b) thereof.

Southern, a Delaware corporation, is engaged in the production and purchase and the interstate transmission and sale of natural gas. Alabama, a corporation organized under the laws of the State of Alabama, is Southern's only public utility subsidiary, and is engaged in the distribution of natural and manufactured gas solely in Alabama. Of the total of 841,198 shares of Alabama common stock outstanding, 831,765.48 shares (98.88 percent) are held by Southern and the remaining 9,432.52 shares (1.12 percent) are publicly held. Southern's other subsidiaries (not directly involved herein) are Apex Gas Company, Inc., a small gas transmission company operating solely in Louisiana, and Coastal Pipe Line Company, an inactive corporation, both wholly owned.

The plan provides that the common stock of Alabama held by Southern will be distributed pro rata to the holders of common stock of Southern on a record date (to be fixed by the Board of Directors of Southern) at least ten but not more than twenty days prior to the distribution date at the rate of 0.24306 share of Alabama common stock for each share of Southern common stock. No fractions of shares shall be distributed. Such common stock of Alabama which is not to be distributed due to fractional shares shall be sold by Southern on or before the distribution date (but after the record date) or as soon as practicable after the distribution date, and there shall be distributed as soon as practicable after such sale to each holder of common stock of Southern on the record date otherwise entitled to receive a fraction of a share of Alabama common stock an amount of cash equivalent to his pro rata share of the proceeds of sale, without deduction of expenses and taxes incident to the sale.

A distributing agent or agents will be appointed to distribute the Alabama shares and/or cash in lieu of fractional shares.

The Commission will be notified, at least five days in advance of any distribution under the plan, of the arrangements which shall have been made for carrying out such distribution and the transactions incident thereto and for the designation of the distributing agent or agents, and may proceed in accordance with such arrangements in the absence of objection from the Commission made within five days of the filing of such notification with the Commission.

The shares of Alabama common stock distributed to Southern stockholders shall be accompanied by pertinent information concerning Alabama in such form as the Commission shall approve before the mailing thereof.

At or before the distribution of Alabama stock and cash by Southern to its stockholders as provided in this plan, (1) the three representatives of Southern on the Board of Directors of Alabama shall resign from such Board and the representative of Alabama on the Board of Directors of Southern shall resign from such Board, (2) Southern and Alabama shall cease to have any common officers, and (3) the Board of Directors of Alabama shall be reconstituted, with a majority of the directors consisting of persons who are not officers or employees of Alabama. The Certificate of Incorporation of Alabama will be amended to provide for cumulative voting and in certain other respects.

The plan provides that Southern shall pay such fees, expenses and remuneration in connection with the plan and its consummation as are approved, determined, awarded, allowed or allocated by the Commission.

The plan is conditioned, among other things, upon the Commission making the necessary findings and recitals in accordance with the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and that upon its consummation Southern will be entitled to an order under section 5 (d) of the act declaring that it has ceased to be a holding company under the act and that its registration under the act has ceased to be in effect.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan as submitted, or as thereafter amended, is necessary to effectuate the provisions of section 11 (b), and is fair and equitable to the persons affected thereby; and

It appearing appropriate to the Commission that notice be given and a hearing be held upon said plan, to afford all interested persons an opportunity to be heard with respect thereto:

It is ordered, That a hearing on said plan be held on February 24, 1953, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings, is directed to file with the Secretary of the

Commission on or before February 20, 1953, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as it may be amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

(2) Whether and to what extent the plan, as submitted or as it may be amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interest of investors and consumers, and to prevent the circumvention of the act and rules and regulations thereunder;

(3) Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles;

(4) Whether the fees, expenses, or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(5) Whether, upon consummation of said plan, Southern will be entitled to an order under section 5 (d) of the act declaring that it has ceased to be a holding company under the act;

(6) Generally whether the transactions proposed in such plan comply with the requirements of the applicable provisions of the act and rules promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Alabama and Southern, to the Federal Power Commission, the Alabama Public Service Commission, and the Mayor of Birmingham, Alabama; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1406; Filed, Feb. 11, 1953; 8:47 a. m.]

[File No. 70-2982]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE REGARDING ACQUISITION OF PROMISSORY NOTES

FEBRUARY 6, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES"), a registered holding company. NEES has designated sections 9 and 10 of the act and Rule U-23 thereunder as applicable to the proposed transactions, which are summarized as follows:

NEES presently holds a promissory note of What Cheer Associates, Inc. ("What Cheer") in the reduced principal amount of $3,040,000. This note bears interest on the unpaid balance at 4 percent per annum and is payable in annual installments from December 1, 1951, through December 1, 1957. NEES acquired this note as part of the consideration for the sale in 1951 of its security holdings of United Electric Railways Company ("UER"), the name of which has been changed to United Transit Company ("UTC"). See New England Electric System, Holding Company Act Release No. 10387. This note provided that there might be substituted for the original collateral, consisting of stock and bonds of UER, a mortgage note of that company.

NEES proposes in its application to acquire a new collateral promissory note of What Cheer in a principal amount equal to the then unpaid balance on the note presently held. The new note will bear interest on the unpaid balance at 4 percent per annum and will be payable in the amounts of $504,600 on April 1, 1953, $500,000 on July 1, 1953, and December 1, 1953, and $250,000 annually thereafter (the last payment being $285,400 due December 1, 1959). The collateral for the new note will consist of a first mortgage note of UTC on substantially all of its property in a principal amount equal to the principal amount of the new note and 37,500 shares (82 percent) of UTC capital stock.

The application states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not exceed $1,000. The application further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed acquisitions. However, it is stated that the issuance of the new note by UTC and a reduction of its capital stock which it is expected will take place concurrently therewith are subject to the approval of the Rhode Island Public Utility Administrator and that the proposed acquisitions will be consummated only after such approval has been obtained.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 19, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1407; Filed, Feb. 11, 1953; 8:47 a. m.]

[File No. 70-2994]

CENTRAL MAINE POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF BONDS

FEBRUARY 6, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the third sentence of Section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 20, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Maine proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First and General Mortgage Bonds, Series U, -- percent, due 1983. The bonds will be issued and secured under the company's First and General Mortgage, as amended and supplemented. The interest rate, the pub-

lic offering price and other pertinent details will be supplied by amendment.

The net proceeds from the sale of bonds will be applied toward the payment of the company's outstanding short-term notes, which are expected to total $10,500,000 at the time of the issuance and sale of said bonds.

The application states that the company's present construction plans for 1953 now call for expenditures of approximately $16,400,000. In addition to the issue of bonds herein proposed, the company intends, subject to favorable market conditions, to issue, prior to January 1, 1954, a sufficient number of shares of common stock to produce $10,000,000.

It is represented that the Public Utilities Commission of Maine has jurisdiction over the proposed issuance and sale of the bonds and that a copy of the order authorizing the proposed transactions will be supplied by amendment.

It is requested that the Commission's order herein be accelerated and become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-1408; Filed, Feb. 11, 1953; 8:47 a. m.]

[File No. 70-2995]

FALL RIVER ELECTRIC LIGHT CO. AND EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AND PLEDGING OF ASSETS AND PORTFOLIO SECURITIES

FEBRUARY 6, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiary company, Fall River Electric Light Company ("Fall River"). EUA owns 98½ percent of the voting shares of Fall River. EUA and Fall River have designated sections 6 and 12 of the act and Rules U-23, U-42 (b) (2), U-44 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 18, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 18, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Fall River proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,800,000 principal amount of First Mortgage and Collateral Trust Bonds __ Percent Series, due 1983 and proposes to pledge as security therefor all of its assets (with certain specified exceptions) and its investment in the stock and debt securities of Montaup Electric Company, a subsidiary of Fall River. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated January 1, 1953, between Fall River and State Street Trust Company, Boston, Massachusetts, as Trustee. The proceeds from the sale of the bonds will be applied to the redemption of $2,000,000 principal amount of presently outstanding First Mortgage Bonds, 3⅛ Percent Series, due 1968, and to the payment and discharge of short-term promissory notes outstanding in the aggregate principal amount of $4,800,000.

It is stated in the application-declaration that the order of the Department of Public Utilities of Massachusetts authorizing the proposed issuance and sale of the bonds will be supplied by amendment.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1409; Filed, Feb. 11, 1953; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 27, 1953.

REGION III

Philadelphia Order IV-G2-1, amendment 4, filed 1:31 p. m.; IV-G3-1, amendment 2, filed 1:31 p. m.; IV-G4-1, amendment 2, filed 1:31 p. m.; V-G1-1, amendment 1, filed 1:31 p. m.; V-G1-1, amendment 1, filed 1:31 p. m.; V-G2-1, amendment 1, filed 1:32 p. m.; V-G3-1, amendment 1, filed 1:32 p. m.; V-G4-1, amendment 1, filed 1:32 p. m.

Pittsburgh Order II-G2-2, filed 1.35 p. m.; II-G3-2, filed 1:35 p. m.; II-G4-2, filed 1:35 p. m.; III-G1-2, filed 1:36 p. m.; III-G2-2, filed 1:36 p. m.; III-G3-2, filed 1:36 p. m.; III-G4-2, filed 1:37 p. m.; I-G1-3, amendment 2, filed 1:33 p. m.; I-G2-3, amendment 2, filed 1:33 p. m.; I-G3-3, amendment 2, filed 1:33 p. m.; I-G4-3, amendment 2, filed 1:34 p. m.; II-G1-2, amendment 1, filed 1:34 p. m.; II-G2-2, amendment 1, filed 1:34 p. m.; II-G3-2, amendment 1, filed 1:34 p. m.; II-G4-2, amendment 1, fied 1:34 p. m.

Wilmington Order I-G3-3, amendment 2, fied 1:37 p. m.; I-G3-3, amendment 3, filed 1:38 p. m.; I-G4-3, amendment 2, filed 1:39 p. m.; I-G4-3, amendment 3, filed 1:39 p. m.; II-G3-1, amendment 3, filed 1:39 p. m.; II-G4-1, amendment 3, filed 1:39 p. m.

REGION IV

Baltimore Order II-G1-2, filed 1:40 p. m.; II-G2-2, filed 1:40 p. m.

Charleston Order 1-G1-3, filed 1:42 p. m.; 1-G2-3, filed 1:42 p. m.; 1-G3-3, filed 1:43 p. m.; 1-G4-3, filed 1:42 p. m.

REGION V

Montgomery Order 1-G3-2, amendment 5, filed 1:51 p. m.; 1-G4-2, amendment 5, filed 1:51 p. m.; 1-G1-3, amendment 1, filed 1:52 p. m.; 1-G2-3, amendment 1, filed 1:52 p. m.; 1-G3-3, amendment 1, filed 1:52 p. m.; 1-G3A-3, amendment 1, filed 1:52 p. m.; 1-G4-3, amendment 1, filed 1:52 p. m.; 1-G1-1, amendment 3, filed 1:43 p. m.; 1-G2-1, amendment 3, filed 1:43 p. m.; 1-G3-1, amendment 3, filed 1:43 p. m.; 1-G3A-1, amendment 3, filed 1:43 p. m.; 1-G4-1, amendment 3, filed 1:44 p. m.; 1-G4A-1, amendment 3, filed 1:44 p. m.; 1-G4-2, amendment 3, filed 1:44 p. m.; 1-G1-2, amendment 2, filed 1:44 p. m.; 1-G1-2, amendment 3, filed 1:45 p. m.; 1-G2-2, amendment 2, filed 1:45 p. m.; 1-G2-2, amendment 3, filed 1:45 p. m.; 1-G3-2, amendment 2, filed 1:45 p. m.; 1-G3-2, amendment 3, filed 1:46 p. m.; 1-G3-2, amendment 4, filed 1:46 p. m.; 1-G3-2, amendment 4, filed 1:46 p. m. (Emergency Amendment); 1-G3A-2, amendment 1, filed 1:46 p. m.; 1-G4-2, amendment 4, filed 1:47 p. m.; 1-G4A-2, amendment 1, filed 1:48 p. m.; 1-G4-2, amendment 2, filed 1:48 p. m.

Jacksonville Order I-G2-3, amendment 2, filed 1:48 p. m.; I-G3-3, amendment 1, filed 1:51 p. m.; I-G3-3, amendment 3, filed 1:48 p. m.; I-G3A-3, amendment 2, filed 1:49 p. m.; I-G4-3, amendment 3, filed 1:49 p. m.; I-G4A-3, amendment 2, filed 1:49 p. m.; II-G1-3, amendment 3, filed 1:49 p. m.; II-G2-3, amendment 3, filed 1:50 p. m.; III-G1-3, amendment 2, filed 1:50 p. m.; III-G2-3, amendment 2, filed 1:50 p. m.; III-G4A-3, amendment 2, filed 1:50 p. m.; IV-G1-3, amendment 2, filed 1:50 p. m.; IV-G2-3, amendment 2, filed 1:51 p. m.

Atlanta Order I-G1-2, amendment 4, filed 1:53 p. m.

Nashville Order I-G1-3, amendment 1, filed 1:53 p. m.; I-G2-3, amendment 1, filed 1:53 p. m.; I-G3-3, amendment 1, filed 1:53 p. m.; I-G4-3, amendment 1, filed 1:54 p. m.; I-G4A-3, amendment 1, filed 1:54 p. m.

Columbia Order I-G3-3, amendment 2, filed 1:54 p. m.; I-G4-3, amendment 2, filed 1:54 p. m.

Jackson Order I-G4-3, amendment 1, filed 1:54 p. m.

REGION VI

Cleveland Order I-G1-3, filed 1:55 p. m.; I-G1-3, amendment 1, filed 1:55 p. m.; I-G2-3, filed 1:56 p. m.; I-G2-3, amendment 1, filed 1:56 p. m.; I-G3-3, filed 1:57 p. m.; I-G3-3, amendment 1, filed 1:57 p. m.; I-G4-3, filed 1:57 p. m.; I-G4-3, amendment 1, filed 1:57 p. m.; I-G4-3, amendment 2, filed 1:58 p. m.

Louisville Order I-G1-3, filed 1:58 p. m.; I-G2-3, filed 1:59 p. m.; I-G3-3, filed 2:00 p. m.; I-G4-3, filed 2:00 p. m.; I-G4A-3, filed 2:01 p. m.

Detroit Order I-G4A-1, amendment 1, filed 2:01 p. m.; III-G1-1, amendment 2, filed 2:01 p. m.; III-G1-1, amendment 3, filed 2:02 p. m.; III-G2-1, amendment 2, filed 2:02 p. m.; III-G2-1, amendment 3, filed 2:02 p. m.; III-G3-1, amendment 2, filed 2:02 p. m.; III-G3-1, amendment 3, filed 2:02 p. m.; III-G4-1, amendment 2, filed 2:03 p. m.; III-G4-1, amendment 3, filed 2:03 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53–1415; Filed, Feb. 9, 1953; 11:17 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application No. 27777]

PAPER ARTICLES FROM WEST MONROE, LA., TO POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4038.

Commodities involved: Paper and paper articles, in carloads.

From: West Monroe, La.

To: Points in Zone 1 of western trunk-line territory.

Grounds for relief: Rail competition, additional routes, and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4038, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1417; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27778]

MIXED FEED FROM SAVANNAH AND PORT WENTWORTH, GA., TO PINETTA, FLA., AND POINTS IN GEORGIA

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Feed, animal or poultry, carloads and less than carloads.

From: Savannah and Port Wentworth, Ga., mixed in transit at Macon, Ga.,

To: Pinetta, Fla., Gracewood, Ga., and other Georgia points.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1418; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27779]

SYRUP FROM KEOKUK, IOWA, TO EASTERN PORT CITIES

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Syrup, coloring, burnt sugar, carloads.

From: Keokuk, Iowa.

To: Baltimore, Md., and other eastern port cities.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1419; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27780]

FERRO-CHROME FROM CHARLESTON, S. C., TO IRONTON, OHIO

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-chrome, in bulk or in packages, carloads.

From: Charleston, S. C.

To: Ironton, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1079, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1420; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27781]

CEMENT FROM CHATTANOOGA, TENN., TO MURPHY, N. C.

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company.

Commodities involved: Cement, carloads.

From: Chattanooga, Tenn.

To: Murphy, N. C.

Grounds for relief: Additional route and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1421; Filed, Feb. 11, 1953; 8:49 a. m.]

[4th Sec. Application 27782]

BILLETS FROM HUNTINGTON, W. VA., TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4175.

Commodities involved: Billets, iron or steel, and related articles, carloads.

From: Huntington, W. Va.

To: Points in central territory.

Grounds for relief: Rail competition, circuitous routes, and rate relations with Ashland, Ky.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1422; Filed, Feb. 11, 1953; 8:49 a. m.]

[4th Sec. Application 27783]

GYPSUM BOARD PAPER FROM URBANA, OHIO, TO BALTIMORE, MD.

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Paper, gypsum board, in rolls, carloads.

From: Urbana, Ohio.

To: Baltimore, Md.

Grounds for relief: Rail competition and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1423; Filed, Feb. 11, 1953; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19162]

JOHN DIEDRICH

In re: Estate of John Diedrich, deceased. File No. D-28-10711, E & T No. 17252.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Katherine Diedrich, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of John Diedrich, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Arthur H. Gruhle, Public Administrator, acting under the judicial supervision of the County Court, Sheboygan County, Sheboygan, Wisconsin.

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193.

Executed at Washington, D. C., on February 6, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53-1428; Filed, Feb. 11, 1953; 8:49 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 2, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952 CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES AT DESIGNATED TERMINAL MARKETS

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3693, 4103, 4834, 5785, 6069, 7363, and 8795 and containing the specific requirements for the 1952-crop Wheat Price Support Program are hereby amended as follows:

Section 601.1711 (b) is amended by making the following changes in the basic county support rates:

Iron and Washington Counties, Utah, are changed from $1.96 to $1.99 per bushel.

Washington County, Ohio, is changed from $2.26 to $2.28 per bushel.

Union County, New Mexico, is changed from $2.10 to $2.13 per bushel.

Lincoln County, Washington, is changed from $2.12 to $2.13 per bushel.

Johnson County, Wyoming, is changed from $2.05 to $2.04 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1441)

Issued this 9th day of February 1953.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.
JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1464; Filed, Feb. 12, 1953; 8:49 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952 CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES; WASHINGTON AND NEW MEXICO

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3573, 3783, 4835 and 7995 and containing the specific requirements for the 1952-crop Grain Sorghum Price Support Program are hereby amended as follows:

Section 601.1758 (c) is amended by adding to the list of basic county support rates Washington—all countics $2.44 per cwt., and by changing the rate for Union County, New Mexico, from $2.14 to $2.25 per cwt.

(Sec. 4. 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1441)

Issued this 9th day of February 1953.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.
JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1462; Filed, Feb. 12, 1953; 8:49 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952 CROP SOYBEANS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES; WALSH COUNTY, NORTH DAKOTA

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 5493 and containing the specific requirements for the 1952-

(Continued on next page)

CONTENTS

Agriculture Department Page

See also Commodity Credit Corporation; Production and Marketing Administration.

Notices:
Los Angeles Grain Exchange; order vacating designation as a contract market 883

Alien Property, Office of

Notices:
Vesting orders, etc.:
Feser, Agnes 887
Fuchs, Franz and Leopoldine Muller 888
Marchionni, Marina, et al 888
Montel, Anna 883
Rippman, Marie 887
Seailles, Jean Charles 888
Vukan, Simon 888

Army Department

Rules and regulations:
Officers' Reserve Corps; appointments 872

Civil Aeronautics Board

Notices:
Transatlantic cargo case; hearing 883

Coast Guard

Proposed rule making:
Navigation and vessel inspection regulations; security of vessels and waterfront facilities 880

Rules and regulations:
Electrical system; general requirements; miscellaneous changes to agree with American Bureau of Shipping rules 878

Commerce Department

See National Production Authority.

Commodity Credit Corporation

Rules and regulations:
1952 crop loan and purchase agreement program; support rates:
Grain sorghums; Washington and New Mexico 869
Soybeans; Walsh County, N. Dak 869
Wheat; designated terminal markets 869

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 49: Parts 71 to 90 ($0.45)

Previously announced: Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department Page
See Army Department.

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Reserve System
Rules and regulations:
Discount rates 871

Internal Revenue Bureau
Rules and regulations:
Excess profits tax; taxable years ending after June 30, 1950; computation of excess profits net income 872

Interstate Commerce Commission
Notices:
Chicago Great Western Railway Co.; rerouting or diversion of traffic 884

Justice Department
See Alien Property, Office of.

National Production Authority Page
Rules and regulations:
Ex-allotment acquisition and use of carbon conversion steel:
Basic rules of the controlled materials plan (CMP Reg. 1, Dir. 19) 875
Construction (CMP Reg. 6, Dir. 7) 877

Price Stabilization, Office of
Notices:
Adjustment of tank wagon ceiling prices of fuel oil distributors in certain areas:
Bellingham 886
Spokane, Wash 886
Approval of additions attached to letter to dealers:
Ford Motor Co 887
Nash Kelvinator (2 documents) 886
Studebaker Corp 887
List of community ceiling price orders; certain regions (2 documents) 885
Rules and regulations:
Castings; adjustment in ceiling prices for producers of high alloy steel castings; clarification (CPR 60, SR 4) 875
Iron and steel products, adjustments; rounding (GCPR, SR 100) 875
Services:
Diaper supply services in Pittsburgh, Pa. (CPR 34, SR 40) 874
Power laundries in Philadelphia, Pa., area; additional laundries (CPR 34, SR 25) 873

Production and Marketing Administration
Rules and regulations:
Milk handling in Toledo, Ohio 870

Securities and Exchange Commission
Notices:
Hearing, etc.:
Mitchell Securities Corp 884
Niagara Mohawk Power Corp 884

Treasury Department
See Coast Guard; Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter IV:
Part 601 (3 documents) 869

Title 7
Chapter IX:
Part 930 870

Title 12
Chapter II:
Part 224 871

Title 26
Chapter I:
Part 40 872

CODIFICATION GUIDE—Con.

Title 32 Page
Chapter V:
Part 561 872

Title 32A
Chapter III (OPS):
CPR 34, SR 25 873
CPR 34, SR 40 874
CPR 60, SR 4 875
GCPR, SR 100 875
Chapter VI (NPA):
CMP Reg. 1, Dir. 19 875
CMP Reg. 6, Dir. 7 877

Title 33
Chapter I:
Part 121 (proposed) 880
Part 126 (proposed) 880

Title 46
Chapter I:
Part 10 (proposed) 880
Part 45 (proposed) 880
Part 56 (proposed) 880
Part 75 (proposed) 880
Part 76 (proposed) 880
Part 94 (proposed) 880
Part 95 (proposed) 880
Part 111 878
Part 137 (proposed) 880
Part 146 (proposed) 880
Part 160 (proposed) 880
Part 162 (proposed) 880
Part 164 (proposed) 880

crop Soybean Price Support Program are hereby amended as follows:

Section 601.2058 is amended by adding Walsh County to the commodity rates listed for North Dakota and by showing the rate per bushel for Walsh County, North Dakota, to be $2.47 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1441)

Issued this 9th day of February 1953.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.
JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1463; Filed, Feb. 12, 1953; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such

findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on August 11 and 12, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Toledo, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. a. Delete § 930.45 (a) and substitute therefor the following:

(a) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage allowed pursuant to § 930.41 (c) (2).

b. Delete paragraphs (c), (d) and (e) of § 930.45 and substitute therefor the following:

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk.

c. Redesignate paragraph (f) of § 930.45 as paragraph (d).

2. In subdivision (i) of § 930.50 (a) (2) delete the phrase "in the second and third months preceding" and substitute therefor the phrase "in the first and second months preceding".

3. In subdivision (ii) of § 930.50 (a) (2) change the tabulation to read as follows:

Month for which the price is being computed:	*Standard utilization percentage*
January	92
February	86
March	83
April	83
May	81
June	78
July	76
August	80
September	86
October	90
November	93
December	95

4. In subdivision (iii) of § 930.50 (a) (2) replace the colon preceding the word "*Provided*" with a period and delete all language appearing thereafter.

5. In § 930.74 delete the phrase "4 cents per hundredweight" and substitute therefor the phrase "6 cents per hundredweight".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C. this 10th day of February 1953, to be effective on and after the 1st day of April 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1465; Filed, Feb. 12, 1953; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

1. Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended to read as follows:

Sec.
224.1 Scope of part.
224.2 Advances and discounts for member banks under sections 13 and 13a.
224.3 Advances to member banks under section 10 (b).
224.4 Advances to persons other than member banks.
224.5 Rates to industrial or commercial businesses under Section 13b.
224.6 Rates to financing institutions under section 13b.
224.7 Findings.

AUTHORITY: §§ 224.1 to 224.7 issued under sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies sec. 14 (d), 38 Stat. 264, as amended; 12 U. S. C. 357.

§ 224.1 *Scope of part.* The following are the rates to be charged by the Federal Reserve Banks as established by such Banks and as reviewed and determined by the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 14 (d) of the Federal Reserve Act. All rates are stated in percent per annum. Except as otherwise provided, these rates are effective immediately.

§ 224.2 *Advances and discounts for member banks under section 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	2	Jan. 20, 1953
New York	2	Jan. 16, 1953
Philadelphia	2	Do.
Cleveland	2	Do.
Richmond	2	Jan. 23, 1953
Atlanta	2	Jan. 16, 1953
Chicago	2	Do.
St. Louis	2	Do.
Minneapolis	2	Do.
Kansas City	2	Do.
Dallas	2	Jan. 23, 1953
San Francisco	2	Jan. 20, 1953

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2½	Jan. 20, 1953
New York	2½	Jan. 16, 1953
Philadelphia	2½	Do.
Cleveland	2½	Do.
Richmond	2½	Jan. 23, 1953
Atlanta	2½	Jan. 16, 1953
Chicago	2½	Do.
St. Louis	2½	Do.
Minneapolis	2½	Do.
Kansas City	2½	Do.
Dallas	2½	Jan. 23, 1953
San Francisco	2½	Jan. 20, 1953

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3	Jan. 20, 1953
New York	3	Jan. 16, 1953
Philadelphia	2¾	Do.
Cleveland	2¾	Aug. 25, 1950
Richmond	3	Jan. 23, 1953
Atlanta	3	Jan. 16, 1953
Chicago	2¾	Aug. 13, 1948
St. Louis	2½	Jan. 12, 1948
Minneapolis	3	Jan. 26, 1953
Kansas City	2¾	Jan. 16, 1953
Dallas	3	Jan. 23, 1953
San Francisco	3	Jan. 20, 1953

§ 224.5 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	On commitments	Effective
Boston	3-5½	½-1½	Jan. 20, 1953
New York	3-5½	½-1⅜	Jan. 16, 1953
Philadelphia	2½-5	½-1¼	May 20, 1942
Cleveland	2½-5	½-1¼	May 8, 1942
Richmond	2½-5	½-1¼	May 23, 1942
Atlanta	2¾-5	¾-1¼	Jan. 16, 1953
Chicago	2½-5	¼-1¼	Oct. 5, 1944
St. Louis	3-5	½-1¼	Aug. 19, 1948
Minneapolis	3-5½	½-1⅜	Jan. 26, 1953
Kansas City	2¾-5	½-1¼	Jan. 16, 1953
Dallas	3-5½	½-1⅜	Jan. 23, 1953
San Francisco	3-5½	½-1⅜	Jan. 20, 1953

§ 224.6 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases		On commitments	Effective
	Portion for which institution is obligated	Remaining portion		
Boston	(1)	(3)	½-1½	Aug. 13, 1948
New York	(1)	(3)	½-1⅜	Jan. 16, 1953
Philadelphia	(2)	(3)	½-1¼	May 20, 1942
Cleveland	(1)	(3)	½-1¼	Jan. 12, 1948
Richmond	(1)	(3)	½-1¼	May 23, 1942
Atlanta	(1)	(3)	[4] ¾-1¼	Jan. 16, 1953
Chicago	2½-5	2½-5	¼-1¼	Oct. 5, 1944
St. Louis	2-2½	(3)	¼-1¼	Jan. 16, 1953
Minneapolis	(1)	(3)	½-1¼	May 16, 1942
Kansas City	(1)	(3)	½-1¼	June 6, 1942
Dallas	(1)	(3)	([5])	May 16, 1942
San Francisco	(1)	(3)	[6] ½-1⅜	Jan. 20, 1953

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower, but not exceeding 1 percent above rate under § 224.2.
[3] Rate charged borrower.
[4] ½ percent on undisbursed portion of loan.
[5] ¼ percent on undisbursed portion of loan. 10-25 percent of loan rate with minimum of ½ percent on disbursed portion of loan.
[6] ¼ percent on undisbursed portion of loan.

§ 224.7 *Findings*—(a) *No notice or public participation; rates effective immediately.* There is no notice or public participation when rates now or hereafter specified in this part are reviewed and determined. The Board of Governors of the Federal Reserve System finds that in this situation such notice and public participation are impracticable, unnecessary, and contrary to the public interest for the reasons stated in section 2 (e) of the Board's rules of procedure (§ 262.2 (e) of this chapter), and especially because such procedure would prevent the action from becoming effective as promptly as necessary, would permit unfair profits, would unreasonably interfere with the necessary actions of the Board, would not aid the persons affected, and would otherwise serve no useful purpose. For the same reasons, and good cause found, the effective dates of these rates, as now or hereafter reviewed and determined, are not deferred for 30 days; and except as otherwise provided, such rates are effective immediately.

(b) *Only changes in rates published.* Under section 14 (d) of the Federal Reserve Act, rates must be established at each Federal Reserve Bank every fourteen days, or oftener if deemed necessary by the Board of Governors of the Federal Reserve System. To avoid frequent and unnecessary publication of the fact that an existing rate is continued, only changes in rates will be published; and the fact that no new rate is published means that the existing rate has been continued.

2. For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 53-1436; Filed, Feb. 12, 1953; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5982; Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF EXCESS PROFITS NET INCOME

On November 15, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10468) to amend Regulations 130 (26 CFR Part 40). No objections to the rules proposed having been received within the thirty days following such publication, such regulations are hereby amended by adding at the end of § 40.433 (b)-2 (a), as amended by Treasury Decision 5973, approved January 16, 1953, the following new sentence: "In making the adjustment required by section 433 (b) (6) for dividends received, the limitation provided in section 26 (b) with respect to dividends in kind shall be applicable only if the dividend was received after August 31, 1950."

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 9, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1456; Filed, Feb. 12, 1953; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENTS

Section 561.20 is revised as follows:

§ 561.20 *Appointment of professional and technical personnel as Reserve commissioned officers of the Army*—(a) *General.* This section prescribes the requirements whereby qualified professional and technical experts or specialists of the following categories may be appointed as Reserve commissioned officers of the Army for service in the Army Reserve.

Aeronautical engineering.
Automotive engineering.
Bacteriology.
Biochemistry.
Biological sciences.
Business administration.
Chemical engineering and chemistry.
Civil affairs (military government).
Civil engineering.
Education specialists.
Electrical accounting machine specialists.
Electrical engineering, including radio, television, and wire communications.
Entomology.
Fire prevention and fire fighting.
Food technology (inspection, procurement, testing, research, and related subjects).
Geographers.
Geology, geophysics, and meteorology.
Geopolitical and area specialists.
Harbor craft specialists.
Highway engineering and traffic.
Historical editors.
Industrial specialists (engineering, management, and security).
Language and foreign liaison.
Law enforcement officials, administrators, and allied investigative specialists.
Legal.
Marine engineering.
Mathematicians, statisticians, and physicists.
Mechanical engineering.
Metallurgical engineering.
Mining engineering.
Naval architectural.
Nuclear specialists (nuclear physicists and radiological chemists).
Parasitology.
Penology.
Petroleum and natural gas engineering.
Pharmacology and toxicology.
Photographic (still, motion picture, television, and related subjects).
Postal.
Printing and reproduction.
Psychology.
Psychological warfare (journalism, international relations, psychology, and related subjects).
Public information, including field press censorship.
Public works and utilities.
Purchasing, storage, and distribution (logistics).
Radar engineering.
Railway service.
Safety engineering.
Submarine diving.
Traffic management.

(b) *Branch.* (1) Appointment of individuals under this section will not be made for assignment in the following branches: Armor, Artillery, Infantry, Chaplains, Judge Advocate General's Corps, Army Medical Service branches, or Staff Specialist.

(2) Women professional or technical specialists will be assigned to the Women's Army Corps and detailed to the appropriate branch.

(3) Subject to the restrictions of subparagraphs (1) and (2) of this paragraph, the branch in which assignment is to be made will be determined by the authority tendering appointment, based upon the qualifications of the applicant and the needs of the service.

(c) *Grade.* Initial appointments are authorized in recognition of advanced professional or technical experience and training, in accordance with the grades indicated in paragraph (f) (4) of this section. However, when specifically authorized by the Department of the Army, appointment up to and including the grade of colonel may be made in cases of outstanding personnel for whom a critical shortage exists in the active military service, provided qualified Reserve personnel are not available.

(d) *Limitations on appointments.* Appointments will be limited to:

(1) Those necessary to fill existing vacancies in the Ready Reserve troop program units, and for mobilization designation vacancies when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(2) Those necessary to meet the need for Ready Reserve reinforcements under quotas announced by the Department of the Army.

(3) Those necessary to meet the need for officers for active duty.

(e) *General requirements.* See §§ 561.2 through 561.10.

(f) *Special requirements.* (1) The applicant must possess professional or technical ability as required to perform the duties appropriate to the grade to which appointed and branch to which assigned.

(2) For appointment to fill vacancies, the applicant's services must be required for a particular vacancy, and there must be no qualified Reserve commissioned officer of the appropriate grade or lower grade available to fill the vacancy.

(3) For appointment and concurrent active duty, the applicant's services must be required for active duty when qualified Reserve personnel are not available.

(4) Except for the provisions of subparagraph (5) of this paragraph, applicants for appointment must have graduated from a recognized college or university, preferably with major field of study closely related to the specialty for which applying, must have at least the minimum number of years of qualifying experience indicated below, and must not have attained the birthday shown below prior to appointment in the grade indicated:

Grade	Age	Years experience
Second Lieutenant	28	1
First Lieutenant	33	3
Captain	39	7

(5) Each year of graduate education in the field for which the applicant is being considered may be counted as a year of qualifying experience. Experience in an allied field of specification acceptable to the administrative or technical service concerned may be considered in computing minimum qualifying experience.

(i) For service in Military Railway Service units and for service as postal specialists, 4 years of qualifying experience may be substituted in lieu of graduation from a recognized college.

(ii) For service in harbor craft units, the following may be substituted in lieu of graduation from a recognized college:

(*a*) The possession by the applicant of a license, which is required in the case of a civilian ship officer in the American Merchant Marine and issued in accordance with the general rules and regulations of the Board of Supervisory Inspectors of the Merchant Marine Inspection Service, the United States Coast Guard, or the Bureau of Marine Inspection and Navigation;

(*b*) A diploma or record of graduation from the Merchant Marine Academy;

(*c*) A certificate as senior navigator from the Coast Guard Auxiliary; or

(*d*) A United States Power Squadron Certificate as a navigator.

(iii) For appointment for assignment as postal specialist, the following is required:

(*a*) Experience in an administrative, executive, or supervisory capacity in the United States Post Office Department, or

(*b*) Experience in the Military Postal Service as a warrant officer or in one of the first three noncommissioned officer grades. A minimum of 1 year of such experience is required for the grade of second lieutenant, 3 years for the grade of first lieutenant, and 5 years for the grade of captain.

(6) The Department of the Army will consider on an individual basis, requests for waiver of age, education, and/or experience in exceptional cases of outstanding professional or technical personnel for whom a critical shortage exists in the active military service. Requests for waivers will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPR–A.

(g) *Vacancies and quotas.* Individuals interested in appointment may secure information as to vacancies from unit commanders or chiefs of military districts. Information relative to quotas for active duty or for appointment under quotas announced periodically may be secured from the appropriate area commander.

[SR 140–105–8, Jan. 14, 1953] (Pub. Law 476, 82d Cong.)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–1445; Filed, Feb. 12, 1953; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 2 to Supplementary Regulation 25]

CPR 34—SERVICES

SR 25—POWER LAUNDRIES IN PHILADELPHIA, PENNSYLVANIA, AREA

ADDITIONAL POWER LAUNDRIES IN THE PHILADELPHIA, PENNSYLVANIA, AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Supplementary Regulation 25 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 25 to Ceiling Price Regulation 34, issued November 10, 1952 permitted an increase in ceiling prices for certain power laundry services and dry cleaning services supplied by power laundries located in the City of Philadelphia, Pennsylvania. An increase in ceiling prices was also given to independent routemen and stores, known in the laundry and dry cleaning industry as "bobtailers", in order that customary differentials between classes of power laundry service purchasers might be maintained. That supplementary regulation did not permit the increase to be applied to the diaper supply and linen supply services of such laundries. Amendment 1 to Supplementary Regulation 25, effective December 18, 1952, extended the coverage of that supplementary regulation to include power laundries located in certain other areas close to Philadelphia namely, Camden, Gloucester, and Burlington Counties, New Jersey and the City of Hammonton in Atlantic County, New Jersey. This amendment permits the same 9 percent increase in ceiling prices for additional power laundries located in Delaware County, Pennsylvania (except the City of Ardmore). These power laundries are in a competitive position with others previously covered by Supplementary Regulation 25.

A study of the operating costs and profit margins of these power laundries which provide 83 percent of the total sales of services furnished by these laundries amounting to an estimated $1,150,000 reveals that increased labor and material costs have impaired the pre-Korean earnings of such laundries. In addition, substantial wage increases within the formula of Wage Stabilization Board regulations have resulted in further impairment of earnings. The price increase granted herein has been determined to be the minimum necessary to maintain the financial stability of these laundries in order to assure a continued supply of these essential services. The uniform increase has been determined in accordance with the standards for in-

dividual adjustments under Section 20 of Ceiling Price Regulation 34.

All other considerations which were set forth in the Statement of Considerations to Supplementary Regulation 25 to Ceiling Price Regulation 34 are equally applicable to the power laundries located in the areas included in this amendment.

In the formulation of this amendment, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this amendment are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 25 to Ceiling Price Regulation 34 is amended as follows:

1. Insert after the word "Philadelphia" and before the word "Pennsylvania", wherever they appear in sections 1 and 3, the phrase "and the County of Delaware (except the City of Ardmore)".

2. The title of Supplementary Regulation 25 as it appeared in Amendment 1 is corrected to read as follows: SR 25—Power Laundries In Philadelphia, Pennsylvania, Area.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1531; Filed, Feb. 12, 1953; 10:32 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 40]

CPR 34—SERVICES

SR 40—DIAPER SUPPLY SERVICES IN PITTSBURGH, PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 40 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 40 to Ceiling Price Regulation 34 permits an increase in the ceiling prices of the diaper supply services furnished by retail diaper suppliers in Pittsburgh, Pennsylvania.

Sharply increased costs of materials and supplies together with wage increases recently granted with Wage Stabilization Board approval have made repair and replacement of worn out and obsolete equipment virtually impossible. These factors have resulted in substantial financial hardship to these diaper service suppliers.

Under the provisions of this supplementary regulation, ceiling prices of diaper service suppliers in Pittsburgh, Pennsylvania, may be increased by 8 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase," or, at the option of the individual diaper service supplier, the established flat price for each article may be increased 8 percent. The adjusted flat price must, within ten days after determination, be filed with the appropriate Office of Price Stabilization District Office.

Provision is made to retain such services under Ceiling Price Regulation 34: *Provided, however,* That diaper service suppliers subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under section 20 of Ceiling Price Regulation 34, as amended. In addition, adjustments previously granted under that section are automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits diaper service suppliers located in Pittsburgh, Pennsylvania to increase the ceiling prices of their retail diaper supply services by 8 percent, in the manner provided in section 3. This supplementary regulation shall not apply to any other services supplied by such diaper service suppliers.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you furnish diaper supply services at retail from locations in Pittsburgh, Pennsylvania, increase your ceiling prices by 8 percent for diaper supply services thus supplied by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each invoice the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 8 percent the flat price of each diaper supply service article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of Office of Price Stabilization a supplemental statement as required by section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) No seller of diaper supply services at retail subject to this supplementary regulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such diaper supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices of any seller of diaper supply services subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Diaper supply services" means the supplying to retail customers on a rental basis, of clean laundered diapers by the owner of these items.

(2) The term "Retail" refers to the sale of diaper supply services directly to the ultimate consumer, except commercial, industrial, and governmental users.

Effective date. This Supplementary Regulation 40 to Ceiling Price Regulation 34 shall become effective February 12, 1953.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1532; Filed, Feb. 12, 1953; 10:32 a. m.]

[Ceiling Price Regulation 60, Amdt. 1 to Supplementary Regulation 4]

CPR 60—Castings

SR 4—Adjustment in Ceiling Prices for Producers of High Alloy Steel Castings

Clarification of Ceiling Price Which May Be Increased by Industry Earnings Standard Adjustment

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 4, Ceiling Price Regulation 60 is hereby issued.

Statement of Considerations

The purpose of this amendment to Supplementary Regulation (SR) 4 to Ceiling Price Regulation (CPR) 60 is to provide clearly that the Industry Earnings Standard adjustment permitted by SR 4 to CPR 60 may be applied to current ceiling prices, even though they may represent ceiling prices established under CPR 60 and then adjusted under some other regulation (except General Overriding Regulation (GOR) 35) and that the adjustment is not required to be applied only to unadjusted CPR 60 ceiling prices.

The basis for this amendment to Supplementary Regulation 4 is the same as that for Amendment 1 to SR 1 to CPR 60 and the Statement of Considerations thereto is equally applicable to this amendment.

In view of the technical nature of this amendment, consultation with industry representatives, involving trade association representatives, has not been deemed practicable or necessary prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

Amendatory Provisions

1. Section 1 of SR 4 to CPR 60 is amended to read as follows:

Section 1. *What this supplementary regulation does.* This supplementary regulation permits producers of high alloy steel castings to increase the ceiling prices of such castings which were in effect immediately before the effective date of this supplementary regulation by 3.5 percent.

2. Section 2 of SR 4 to CPR 60 is amended to read as follows:

Sec. 2. *Adjustment of ceiling prices.* If you are a producer of high alloy steel castings you may increase your ceiling prices for them which were in effect immediately before the effective date of this supplementary regulation by 3.5 percent. You may also increase the ceiling prices which were in effect immediately before the effective date of this supplementary regulation for equipment furnished by you in connection with your sales of such castings by 3.5 percent. The ceiling prices to which this increase may be applied are either those established under CPR 60, or those ceiling prices as adjusted pursuant to any other OPS regulation such as GOR 10, GOR 21 or GOR 29, but not including GOR 35.

3. Section 3 of SR 4 to CPR 60 is amended by adding a sentence at the end thereof reading as follows: "You may not, however, apply the 3.5 percent adjustment permitted in section 2 above to ceiling prices which include the adjustment provided under GOR 35."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 4 to Ceiling Price Regulation 60 is effective February 12, 1953.

Joseph H. Freehill,
Director of Price Stabilization.

February 12, 1953.

[F. R. Doc. 53-1533; Filed, Feb. 12, 1953; 10:32 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Supplementary Regulation 100, Revision 1]

GCPR, SR 100—Adjustments for Iron and Steel Products

Rounding

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation is hereby issued.

Statement of Considerations

Section 2 of Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation permits the rounding of ceiling prices which are adjusted under that supplementary regulation by using a percentage figure. If a ceiling price is the sum of a base price, plus extras and deductions, the language of section 9, as originally issued appears to require that the total ceiling price be rounded rather than its components, the ceiling base price and the extras and deductions.

That requirement proved to be unsatisfactory with respect to products whose ceiling prices are calculated by adding to (or deducting from) a ceiling base price extras and deductions expressed in dollars and cents per unit. As to these products the foregoing requirement meant that if the ceiling price increases under SR 100, Revision 1, to GCPR yielded unrounded figures for the base prices or extras and deductions, the producer had to state these unrounded figures in his price lists and invoices and was only permitted to separately round the total prices in each invoice. This involved administrative burden and resulted in actual invoice prices which were sometimes higher and sometimes lower than the exact sum of the listed base price and applicable extras and deductions.

To remedy that situation this amendment gives an option to the producers to round their ceiling base prices and extras and deductions expressed in dollars and cents per unit, rather than to round their total ceiling prices.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and due consideration has been given to their recommendations.

Amendatory Provisions

Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation is amended, as follows:

Section 9 is amended to read:

Sec. 9. *Rounding adjusted ceiling prices.* You may round any adjusted ceiling price for which an increase is determined under this supplementary regulation by using a percentage figure, so that it will be expressed in the nearest cent or fraction of a cent you normally employ. If the increase is calculated under this supplementary regulation by multiplying the sum of a ceiling base price, plus extras and deductions expressed in dollars and cents per unit, you may separately round your adjusted base price and your adjusted extras and deductions instead of rounding the total adjusted ceiling price. If you elect to round any ceiling price covered by this section you must round all such ceiling prices so as to reflect decreases as well as increases.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 12, 1953.

Joseph H. Freehill,
Director of Price Stabilization.

February 12, 1953.

[F. R. Doc. 53-1534; Filed, Feb. 12, 1953; 10:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 19, as Amended February 12, 1953]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

Dir. 19—Ex-Allotment Acquisition and Use of Carbon Conversion Steel

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Explanatory

Direction 19, as last amended August 28, 1952, to CMP Regulation No. 1 is further amended to extend its provisions to include the second calendar quarter of 1953, in addition to the third and fourth

calendar quarters of 1952 and the first calendar quarter of 1953.

REGULATORY PROVISIONS

Sec.

1. What this direction does.
2. Definitions.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Transfer of carbon conversion steel.
7. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with authorized production schedules for the manufacture of Class A and B products containing steel may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definitions.* As used in this direction:

(a) "Finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Schedule I of CMP Regulation No. 1.

(b) "Product class" means a product class code as shown in the Official CMP Class B Product List.

SEC. 3. *Acquisition and use without submitting application.* Any producer of Class B products may, by self-authorization and without charging any allotment, order up to 500 tons of finished carbon conversion steel per calendar quarter for delivery during the third and fourth calendar quarters of 1952 and the first and second calendar quarters of 1953 with respect to each product class for which he has received or hereafter receives one or more authorized production schedules and related allotments of carbon steel. He may use any finished carbon conversion steel so acquired to increase such authorized production schedule or schedules: *Provided, however,* That if any such authorized production schedule contains a specific limitation on the number of units which may be produced, he may not exceed that unit limitation. A producer of Class B products shall submit an application in accordance with the provisions of section 4 of this direction for any calendar quarter and product class in which his requirements for delivery of finished carbon conversion steel exceed 500 tons.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Any producer of Class A products who desires to order finished carbon conversion steel for delivery during the third or fourth calendar quarter of 1952 or the first or second calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in accordance with the provisions of paragraph (c) of this section: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his related allotment of carbon steel for such schedule: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first or second calendar quarter of 1953 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his related allotment of carbon steel for such schedule.

(b) Any producer of Class B products who desires to order more than 500 tons of finished carbon conversion steel with respect to any product class for delivery during the third or fourth calendar quarter of 1952 or the first or second calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in accordance with the provisions of paragraph (c) of this section for authorization to order finished carbon conversion steel with respect to such product class for delivery during such calendar quarter: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first or second calendar quarter of 1953 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952.

(c) Each application filed pursuant to paragraph (a) or (b) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref.: Direction 19 to CMP Regulation No. 1. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(6) For each such carbon steel product, the tonnage by months of shipment.

(d) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized production schedule: *Provided, however,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 19 to CMP Regulation No. 1

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized production schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Transfer of carbon conversion steel.* (a) In addition to increasing his own authorized production schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 7. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect February 12, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1542; Filed, Feb. 12, 1953; 11:42 a. m.]

[Revised CMP Regulation No. 6, Direction 7, as Amended February 12, 1953]

CMP REG. 6—CONSTRUCTION

DIR. 7—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This direction as amended under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This direction as amended affects Direction 7, as amended August 28, 1952, to Revised CMP Regulation No. 6, by amending sections 3 and 4, providing for the placing of orders for delivery in the second calendar quarter of 1953 of finished carbon conversion steel; and by deleting section 6 which provided the direction was not applicable to persons engaged in the construction of recreational, entertainment, or amusement construction projects.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Exemptions.
7. Disposal of carbon conversion steel.
8. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with construction schedules authorized pursuant to Revised CMP Regulation No. 6, or NPA Order M-100, may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definition.* As used in this direction, "finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Table II of Revised CMP Regulation No. 6, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Table II of Revised CMP Regulation No. 6.

SEC. 3. *Acquisition and use without submitting application.* Any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarter of 1952 or the first or second calendar quarter of 1953 may, by self-authorization, order for delivery in each of such calendar quarters, with respect to each such authorized construction schedule, up to 500 tons of finished carbon conversion steel without charging the related allotment; and use such steel to increase such authorized construction schedule: *Provided, however,* That if his requirements for delivery with respect to any such schedule in any such calendar quarter exceed 500 tons of finished carbon conversion steel, he shall submit an application in accordance with the provisions of section 4 of this direction.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarter of 1952, or the first or second calendar quarter of 1953, and who desires to acquire and use, without charging the related allotment, more than 500 tons of finished carbon conversion steel in either of such quarters with respect to any such authorized schedule, shall submit an application to NPA in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That no such person shall request authorization to order for delivery with respect to any such schedule in any such calendar quarter, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent

of the tonnage of his allotment of carbon steel for such schedule in the third calendar quarter of 1952, or 40 percent of the tonnage of his allotment of carbon steel for such schedule in the fourth calendar quarter of 1952 or the first or second calendar quarter of 1953.

(b) Each application filed pursuant to paragraph (a) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 7 to Revised CMP Regulation No. 6. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Table II of Revised CMP Regulation No. 6.

(6) For each such carbon steel product, the tonnage by months of shipment.

(c) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority, and use such steel to increase his authorized construction schedule. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 7 to Revised CMP Regulation No. 6

which shall be signed as provided in section 12 of Revised CMP Regulation No. 6. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized construction schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Exemptions.* (Deleted February 12, 1953.)

SEC. 7. *Disposal of carbon conversion steel.* (a) In addition to increasing his own authorized construction schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 8. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, Revised CMP Regulation No. 6, and NPA Order M–100, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. Further, no person shall obtain or use any form or shape of finished carbon conversion steel pursuant to this direction if the acquisition or use of such type of form or shape is prohibited by Revised CMP Regulation No. 6 or NPA Order M–100. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction, as amended, shall take effect February 12, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1543; Filed, Feb. 12, 1953; 11:42 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Electrical Engineering

[CGFR 53–3]

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

MISCELLANEOUS CHANGES TO AGREE WITH AMERICAN BUREAU OF SHIPPING RULES

The notice of proposed rule making published in the FEDERAL REGISTER dated June 24, 1952, described as Item XXII the establishment of general requirements for electrical systems on merchant vessels and Volume 4 of the Agenda contained the specific proposals to be considered at the public hearing held July 22, 1952. Prior to and at the public hearing many comments were received suggesting changes to proposed regulations which were identical in wording to corresponding parts of the American Bureau of Shipping Rules. Copies of these comments were given to the American Bureau of Shipping for consideration. The American Bureau of Shipping Technical Committee considered the proposed changes and has completed action to include certain revisions in the 1953 American Bureau of Shipping Rules. It was not possible to complete the study and to obtain concurrent action by October 18, 1952, when the Coast Guard

had to publish the Electrical Engineering Regulations in the FEDERAL REGISTER in order to have effective requirements by November 19, 1952. Therefore, the miscellaneous changes in this document reflect the views of comments submitted which have been concurred in by the American Bureau of Shipping. The changes in the regulations are necessary in order to have agreement between the Coast Guard Regulations and the American Bureau of Shipping Rules as provided in section 5 of the act of May 27, 1936, as amended (46 U. S. C. 369). In view of the foregoing it is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

SUBPART 111.05—GENERAL REQUIREMENTS

1. Section 111.05–15 is amended by changing paragraphs (b) and (d) to read as follows:

§ 111.05–15 *General considerations.* * * *

(b) *Protection from bilge water.* All generators, motors, and electric couplings are to be so arranged that they cannot be damaged by bilge water, and if necessary a watertight coaming should be provided to form a well around the base of such equipment with provisions for removing water from the well.

* * * * *

(d) *Watertight equipment.* All electrical equipment exposed to the weather or located in spaces where they would be exposed to seas, splashing, or other severe moisture condition should be of the watertight type or be protected by means of watertight enclosures which should be such as to prevent the exposure of the equipment to temperatures in excess of those for which they have been designed.

SUBPART 111.10—GENERATORS

2. Section 111.10–15 (d) is amended to read as follows:

§ 111.10–15 *Generator construction.* * * *

(d) *Terminal arrangement.* All generator terminals should be protected against accidental contact, mechanical damage, and where necessary, against dripping moisture by drip shields or dripproof enclosures. Where cables enter dripproof enclosures from the sides or top, they should be provided with terminal tubes.

* * * * *

SUBPART 111.15—STORAGE BATTERIES

3. Section 111.15–25 is amended to read as follows:

§ 111.15–25 *Overload and reverse-current protection.* (a) An overload protective device shall be placed in each battery conductor, except that engine cranking batteries and batteries with a nominal potential of 6 volts or less need not be protected against overload. For location of overcurrent devices with regard to battery rooms, see § 111.15–5 (a).

(b) The charging equipment (except when a rectifier is employed) for all batteries with a nominal voltage more than 20 percent of line voltage shall provide automatic protection against reversal of current.

SUBPART 111.20—TRANSFORMERS

4. Section 111.20–5 is amended to read as follows:

§ 111.20–5 *Temperature rise.* (a) The temperature rises, based on an ambient temperature of 40 degrees C., shall not exceed the following:

Class A insulation	*Class B insulation*
55° C.	80° C.

(b) If the ambient temperature exceeds 40 degrees C. the transformer shall be derated so that the total temperature given in this section is not exceeded. Temperatures are to be taken by the resistance method of temperature determination.

SUBPART 111.25—MOTORS

5. Section 111.25–5 (b) is amended to read as follows:

§ 111.25–5 *Nameplates* * * *

(b) For alternating-current motors, in addition to the applicable parts listed in paragraph (a) of this section, the nameplates shall be marked with the following information:

(1) Number of phases;

(2) Frequency;

(3) Power factor (synchronous motors only);

(4) Exciter voltage (synchronous motors only);

(5) Exciter current (synchronous motors only);

(6) Secondary voltage (polyphase wound-rotor induction motors only);

(7) Secondary amperes at rated load (polyphase wound rotor induction motors only); and,

(8) For motors rated at ½ horsepower or larger, except a polyphase wound-rotor motor, a code letter to show its input in kilovolt-amperes with locked rotor selected from the table given in section 94304, Chapter 9, National Electrical Code.

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

6. Section 111.35–5 is amended by changing paragraphs (c) and (e) to read as follows:

§ 111.35–5 *Switchboard bus bars and wiring.* * * *

(c) *Arrangement of bus bars and wiring.* The arrangement of bus bars and wiring on the back of switchboards shall be such that all lugs are readily accessible. Soldering lugs, where used, should have a solder contact length at least 1½ times the diameter of the conductor and all nuts and connections should be fitted with efficient locking devices to prevent loosening due to vibration.

* * * * *

(e) *Switchboard wiring.* Instrument and control wiring should be of the stranded type not smaller than 4000 CM and should have flame-retarding insulation. Wiring from hinged panels should be of the extra flexible type.

7. Section 111.35–25 (k) is amended to read as follows:

§ 111.35–25 *Electric propulsion control.* * * *

(k) *Features for other services.* If the propulsion generator is used for other purposes than for propulsion, such as dredging, cargo oil pumps, and other special services, overload protection in the auxiliary circuit and means for making voltage adjustments should be provided at the control board. When propulsion alternating-current generators are used for other services for operation in port, the port excitation control should be provided with a device that should operate just below normal idling speed of the generator to automatically remove excitation.

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

8. Section 111.45–1 (p) is amended to read as follows:

§ 111.45–1 *Motor controllers, general requirements.* * * *

(p) *Alternating-current manual auto-starters.* Alternating-current manual auto-starters with self-contained auto-transformers should be provided with switches of the quick-make-and-break type and the starter should be arranged so that it will be impossible to throw to the running position without having first thrown to the starting position. Switches should be preferably of the contactor or air-break type. In case oil is necessary, the starter should not leak when tilted to an angle of 15 degrees and should be constructed to prevent the liquid from splashing out due to the rolling of the vessel.

SUBPART 111.60—WIRING METHODS AND MATERIALS

9. Subparagraphs (2), (3), (8), (10), and (12) of § 111.60–10 (b) are amended to read as follows:

§ 111.60–10 *Wire and cable installation.* * * *

(b) *Ship's service cables.* * * *

(2) *Cables supports and radii of bends.* Where cables are run in groups they should preferably be supported in metal hangers arranged as far as practicable to permit painting of the surrounding structure without undue disturbance to the installation. Single cable runs may be supported by metal clips screwed directly to deck or bulkhead except on watertight bulkheads. Cables grouped in a single hanger should be limited preferably to two banks. Supports are to be spaced no more than 18 inches apart where vertical and 14 inches where horizontal. Cables running transversely to and supported by clips or straps on the under side of beams should be run on backing plates, cable racks, or the equiva-

lent. Metal supports should be designed to secure cable without damage to insulation or armor and are to be so arranged that the cables will bear over a length of at least ½ inch. Leaded and armored cables shall not be bent to a smaller radius than 8-cable diameters; other cables may be bent to a 6-cable diameter radius.

(3) *Alternating-current cable installations.* In order to avoid over-heating by induction, all phase wires should be contained within the same armor by use of multiple conductor cables. Single-conductor cables may be used, however, where carrying negligible currents or where there are no closed magnetic circuits around the individual cables.

* * * * *

(8) *Feeder cables.* Feeders of every description shall be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered as well as spaces where they may be exposed to damage such as exposed sides of deck houses. Electrical conductors shall not enter oil tanks nor shall they pass through cofferdams immediately adjacent to and extending below the top of the oil tanks except that branch circuits may be installed in accordance with § 111.60–40.

* * * * *

(10) *Cables behind sheathing.* Cables may be installed behind sheathing but they must not be installed behind nor imbedded in structural insulation; they should pass through such insulation at right angles and should be protected by continuous pipe with a stuffing tube at one end. For deck penetrations this stuffing tube should be at the upper end of the pipe and for bulkhead penetrations it should be on the uninsulated side of the bulkhead. For refrigerated space insulation the continuity of the pipe should be broken by the insertion of an insulated coupling of phenolic or similar material to minimize sweating of the pipe and adjacent bulkhead.

* * * * *

(12) *Lightning ground conductor.* Lightning ground conductor should be fitted to each wooden mast or topmast. They need not be fitted to steel masts.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 1333, 463a, 50 U. S. C. App. 1275. E. O. 10402, Oct. 30, 1952, 17 F. R. 9917)

Dated: February 9, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 53-1457; Filed, Feb. 12, 1953; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Parts 121, 126]

[46 CFR Parts 10, 45, 56, 75, 76, 94, 95, 137, 146, 160, 162, 164]

[CGFR 53–2]

NAVIGATION AND VESSEL INSPECTION REGULATIONS; SECURITY OF VESSELS AND WATERFRONT FACILITIES

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Tuesday, March 24, 1953, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, 13th and E Sts. NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the rules and regulations governing navigation and vessel inspection, security of vessels and waterfront facilities, as generally described in Items I to XIX, inclusive, below.

2. The proposed changes in the regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 5 to 42, inclusive. The Merchant Marine Council Semi-Annual Meeting Agenda (CG 249) has been prepared. This agenda contains the specific changes proposed and where possible the present and proposed regulations are set forth in comparison form, together with reasons for the changes where necessary. Copies of this agenda have been mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views, prior to the hearing for consideration in connection with the proposed changes should submit them in writing for receipt prior to March 23, 1953, by the commandant (CMC), Coast Guard Headquarters, Washington, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a proposed section shall be submitted on Form CG 3287, showing the section number, proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. There is a small quantity of this form attached at the end of each agenda. In the event additional forms are required, they may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander. Oral comments may be submitted before the Merchant Marine Council on March 24, 1953.

4. At this public hearing the proposed changes in the regulations will be considered in the order of the item numbers assigned to the various subjects under consideration.

ITEM I—MERCHANT MARINE LICENCES; PERIOD OF GRACE FOR RENEWAL

5. It is proposed to amend 46 CFR 10.02–9 (d) (1), regarding the period of grace allowed where the holder of a merchant marine license had no reasonable opportunity for renewal. This proposed amendment is to clarify the language and does not change the basic divisions regarding renewal of mechant marine licenses.

6. The authority for regulations regarding renewal of license is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. This regulation interprets or applies R. S. 4426, 4438a, 4447, as amended, sec. 2, 29 Stat. 188, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245, and sec. 3, 62 Stat. 233; 46 U. S. C. 404, 224a, 233, 225, 367, 526p, 229c, and 50 U. S. C. App. 1275.

ITEM II—WELDING—MARINE ENGINEERING REGULATIONS

7. It is proposed to amend 46 CFR 56.01–10, regarding qualification of welders, by permitting the use of radiographic test procedures in determining the quality of the test plate welds. It is proposed to add a new § 56.05–3 to 46 CFR Part 56 which will establish the qualifications of radiographic test procedures. It is proposed to amend 46 CFR 56.05–5, regarding nondestructive tests to limit the use of magnetic particle testing to certain maximum pipe wall thicknesses and diameters and to require radiographic examination where such thicknesses or diameters are exceeded. These proposed changes are the result of requests from the shipbuilding industry.

8. The authority for regulations on marine engineering is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

ITEM III—EMERGENCY DRINKING WATER FOR LIFEBOATS AND LIFE RAFTS—RULES AND REGULATIONS FOR PASSENGER, CARGO, AND MISCELLANEOUS VESSELS

9. It is proposed to add a new specification as Subpart 160.026 to 46 CFR Part 160 in Subchapter Q—Specifications, regarding "Water, Emergency Drinking (In Hermetically Sealed Containers) for Merchant Vessels." The proposed specification covers an emergency drinking water container of the "beer can" type filled with approximately one-third quart of drinking water inhibited against corrosion in the can hermetically sealed under vacuum, and sets forth requirements regarding the container, type water permitted, marking, sampling, inspection, and tests of production lots and procedures for approval, which are requirements for the manufacturer to follow. It is also proposed to amend 46 CFR 75.20–15 (kk), 75.20–25 (n), 94.20–15 (ii), and 94.20–25 (n) to require that on and after September 1, 1953, all new and replacement emergency drinking water for lifeboats and life rafts on passenger, cargo, and miscellaneous vessels shall be in compliance with the proposed specification and to limit the service life of such equipment to 5 years from date of packing. The water and container specified in the proposed specification are in substantial agreement with Specification MIL–W–15117A as used by the Department of the Navy except for markings required on the container.

10. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 481, 489, 367, 1333, 50 U. S. C. App. 1275.

ITEM IV—LENGTH OF SERVICE LINE FOR IMPULSE-PROJECTED ROCKET TYPE LINE-THROWING APPLIANCE—RULES AND REGULATIONS FOR PASSENGER, CARGO, AND MISCELLANEOUS VESSELS

11. It is proposed to amend 46 CFR 75.45–15 (a) (3) and 94.45–15 (a) (3) and the first sentence of § 160.040–4 (c), regarding the length of service line for impulse-projected rocket type line-throwing appliances. These changes are being made at the request of industry and will change the present requirement for the fixed length of 1,000 feet for a service line to a flexible length in order that the length of line required will be the proper length for the impulse-projected rocket type line-throwing appliance as based on tests conducted prior to its approval and such length will be specified in the equipment approval.

12. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 481, 489, 367, 1333, 50 U. S. C. App. 1275.

ITEM V—OIL FUEL UNITS OR SETTLING TANKS—RULES AND REGULATIONS FOR PASSENGER, CARGO, AND MISCELLANEOUS VESSELS

13. It is proposed to amend 46 CFR 76.05–1 (a) by revising the requirements of Table 76.05–1 (a) and 95.05–10 (a) (3), regarding fixed fire extinguishing systems in order to reflect an interpretation of the term "oil fuel units or settling tanks" as used in regulations 50i (iii) and 51d (iii) of the International Convention for Safety of Life at Sea, 1948, as meaning oil fire boilers, main or auxiliary, fuel oil service pumps, and such fuel oil units as the heaters, strainers, valves, manifolds, or fittings that are subject to the discharge pressures of the fuel oil service pumps. These proposed changes are based on correspondence with the British, discussions with members of industry, and a study of merchant vessel plans submitted to the Coast Guard, and it is felt an interpretation is necessary in order to determine the required amount of carbon dioxide to be carried to provide total flooding in the engine room.

14. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275.

ITEM VI—KAPOK AND FIBROUS GLASS LIFE PRESERVERS—SPECIFICATIONS

15. It is proposed to revise and bring up to date 46 CFR 160.002–1 to 160.002–7, inclusive, and 160.005–1 to 160.005–7, inclusive, which contain the specification requirements for kapok life preservers and fibrous glass life preservers for merchant vessels. The proposed changes in the specification requirements include provisions for mildew-inhibiter treatment of fabrics and thread, addition of reinforcing tape under armholes, and an increase in sampling for tests from 1 in 250 to 1 in 100. The specification requirements are for the manufacturer to follow in manufacturing life preservers and covers design, construction, materials, sampling, tests, and inspection, and procedures for approval. The proposed changes set forth requirements which will be required to be met by the manufacturer in order to receive or retain approval for such equipment. Such equipment presently approved and manufactured will not be required to be changed, but may be continued in use so long as it is in good and serviceable condition.

16. The authority for regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4405, 4417a, 4426, 4488, 4491, 4492, as amended, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 490, 367, 396, 526e, 526p, 1333, 50 U. S. C. App. 1275.

ITEM VII—CORK AND BALSA WOOD LIFE PRESERVER; REPAIRING AND CLEANING LIFE PRESERVERS—SPECIFICATIONS

17. It is proposed to revise and bring up to date 46 CFR 160.003–1 to 160.003–7, inclusive, and 160.004–1 to 160.004–7, inclusive, containing the specification requirements for cork life preservers and balsa wood life preservers, respectively. It is also proposed to cancel 46 CFR 160.006–3, regarding re-covering of life preservers and to change the heading for Subpart 160.006 to "Life Preservers; Repairing and Cleaning." The changes proposed in the specification requirements for cork and balsa wood life preservers are being made to clarify the requirements and to make the language regarding inspections and tests more explicit. The dimensions of the blocks of cork and balsa wood have been increased but made approximate in size to allow for reasonable variations. New requirements include provisions for mildew-inhibiter treatment of fabrics and thread used, addition of reinforcing tape around the neck line, and an increase in the number of samples selected for tests from 1 in 250 to 1 in 100. These specifications set forth the requirements for the manufacturer to follow in manufacturing such equipment and covers design, construction, workmanship, sampling, tests and inspections, marking, and procedures for approval, which will be required to be met by the manufacturer in order to receive approval for such equipment or to retain approval previously granted. However, such equipment presently in service on merchant vessels will not be required to be changed but may be continued in service so long as it is in good and serviceable condition.

18. The authority for regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4405, 4417a, 4426, 4488, 4491, 4492, as amended, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 481, 489, 490, 367, 396, 526e, 526p, 1333, 50 U. S. C. App. 1275.

ITEM VIII—LIFEBOATS—SPECIFICATIONS

19. It is proposed to revise 46 CFR 160.035–1, 160.035–2, 160.035–3, 160.035–5, 160.035–10, and 160.035–11, in the specification for lifeboats. These changes in the lifeboat specification requirements are being made in order to clarify the intent of certain provisions and to reflect the Coast Guard interpretation of certain provisions in the International Convention for Safety of Life at Sea, 1948. Many of these changes are based on inquiries received from industry. The proposed changes deal with applicable specifications for materials, general requirements for lifeboats, construction requirements, inspection and testing, and procedures for approval. The proposed changes set forth requirements which will be required to be met by the manufacturer in order to receive or to retain approval for such equipment. However, such equipment presently installed on merchant vessels will not be required to be changed but may be con-

tinued in use so long as it is in good and serviceable condition.

20. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 489, 490, 396, 367, 1333, and 50 U. S. C. App. 1275.

ITEM IX—COMBINATION SOLID STREAM AND WATER FOG FIRE HOSE NOZZLES—SPECIFICATIONS

21. It is proposed to add a new specification as Subpart 162.027 to 46 CFR Part 162 in Subchapter Q—Specifications, regarding "Combination Solid Stream and Water Fog Fire Hose Nozzles." This proposed specification sets forth the requirements for the manufacturer to follow in manufacturing such equipment and covers applicable specifications, arrangement, construction, materials, inspections and tests required, marking, and procedure for approval. A similar proposed specification was included in the agenda of the Merchant Marine Council and considered as Item XII at a public hearing held March 25, 1952 (17 F. R. 1729). Many comments were received at that time which indicated that further study was necessary. This proposed specification contains the results of the study made and includes the suggestions and comments received from industry where practicable. The principal provisions of the specification have been agreed to by the interested manufacturers. The proposed specification sets forth the requirements which will be required to be met by the manufacturer in order to receive or retain approval for such equipment. However, such equipment presently installed on merchant vessels will not be required to be changed but may be continued in use so long as it is in good and serviceable condition.

22. The authority for these regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, 4417a, secs. 1, 2, 49 Stat. 1544, 54 Stat. 1026, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 367, 1333, 463a, 50 U. S. C. App. 1275.

ITEM X—DECK COVERINGS—SPECIFICATIONS

23. It it proposed to amend 46 CFR 164.006–4 and 164.006–5, regarding inspection and testing required and procedure for approval for deck coverings. The proposed changes will bring the specification up to date and will remove it from an interim status. The changes in the method of testing deck coverings are based on requests from industry.

24. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391a, 404, 367, 369, 463a, 1333, 50 U. S. C. App. 1275.

ITEM XI—BULKHEAD PANELS—SPECIFICATIONS

25. It is proposed to amend 46 CFR 164.008–1 to 164.008–4, inclusive, regarding specification requirements for bulkhead panels. The proposed changes revise the temperature test requirements to agree with 46 CFR 72.05–10 (c) (2) and the International Convention for Safety of Life at Sea, 1948, by providing that the temperature rise at any point on the unexposed side of the bulkhead panels for merchant vessels during the fire tests for approval as a class B–15 bulkhead panel shall be not greater than 250° F. above the original temperature. The proposed changes also bring the requirements up to date and include revised procedures for approval. The specification for bulkhead panels sets forth requirements regarding applicable specifications, material, inspection and testing required, and procedures for approval which will be required to be met by the manufacturer in order to receive or retain approval for such material.

26. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391a, 404, 367, 369, 463a, 1333, 50 U. S. C. App. 1275.

ITEM XII—INCOMBUSTIBLE MATERIALS—SPECIFICATIONS

27. It is proposed to revise 46 CFR 164.009–2, 164.009–3, and 164.009–4, in the specification for incombustible materials for merchant vessels. The proposed changes deal with materials, inspection and testing required, and procedures for approval which will be required to be met by the manufacturer in order to receive or retain approval for such equipment. The major change proposed revises the method of testing incombustible materials from the heated tube method to a horizontal flame test method. This is found to be necessary since the heated tube test method gave questionable results when used with certain incombustible materials, particularly those of a fibrous type. A preliminary draft of the proposed changes in this specification was sent to industry for comment and where practicable these comments were incorporated into the proposed changes.

28. The authority for the regulations is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391a, 404, 367, 369, 463a, 1333, 50 U. S. C. App. 1275.

ITEM XIII—ADMONITIONS TO LICENSED AND CERTIFICATED MERCHANT MARINE PERSONNEL IN LIEU OF HEARINGS

29. It is proposed to amend 46 CFR 137.05–5 (a) (2), regarding the procedures in suspension and revocation proceedings to provide an alleged offender the right to have a hearing before an examiner in lieu of an admonishment. The present regulations provide that an investigating officer may orally admonish licensed and certificated personnel in the merchant marine if he finds there is a basis for the complaint but that the violation is not of a serious character, or that it is of a serious character but with extenuating circumstances, or where the ends of justice will be best served, or where the exigencies of the situation are such that formal proceedings would be impracticable. This procedure has been criticized because the alleged offender who was admonished was not being afforded upon request a hearing before an examiner under the Administrative Procedure Act. The proposed change is to definitely provide the right of the alleged offender in this type of case to request and have a hearing before an examiner.

30. The authority for the regulation is in R. S. 4405, as amended, and 4462, as amended; 46 U. S. C. 375, 416. The regulation interprets or applies R. S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 239, 367, 50 U. S. C. App. 1275.

ITEM XIV—CLASS A EXPLOSIVES—HANDLING AND TRANSPORTATION OF

31. The provisions of R. S. 4472 (46 U. S. C. 170), regarding class A explosives were revised by Public Law 562, 82d Congress, approved July 16, 1952. In order that the regulations will be in agreement with Public Law 562, it is proposed to amend 46 CFR 146.02–9, 146.02–10, 146.02–11, 146.05–14, 146.05–15, 146.06–6, 146.20–15, 146.20–85, 146.20–87, 146.29–1, 146.29–7, and 146.29–8 in the regulations governing the transportation or stowage of explosives or other dangerous articles or substances and combustible liquids on board vessels. It is also proposed to amend 33 CFR 126.17, 126.19, 126.21, 126.25, and 126.27 in the regulations governing the handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities, in order that these requirements will be consistent with the Dangerous Cargo Regulations and will carry out the intent of Public Law 562.

32. The authority for Dangerous Cargo Regulations in 46 CFR Part 146 is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. These regulations interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275. The authority for the regulations governing the handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities in 33 CFR Part 126 is in Executive Order 10173, as amended. These regulations interpret or apply 40 Stat. 220, as amended, R. S. 4417a, and 4472, as amended; 50 U. S. C. 191, 46 U. S. C. 391a, 170.

ITEM XV—CORROSIVE LIQUIDS—DANGEROUS CARGO REGULATIONS

33. It is proposed to revise 46 CFR 146.23–35, 146.23–40, and 146.23–45, regarding the bulk transportation of sulfuric acid and spent sulfuric acid in order to clarify, bring up to date, and establish uniform requirements. It is also proposed to revise 46 CFR 146.23–50, regarding the bulk transportation of

hydrochloric acid in order to clarify, bring up to date, and establish uniform requirements.

34. The authority for these regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. App. 1275.

ITEM XVI—ANHYDROUS AMMONIA; COMPRESSED GAS—DANGEROUS CARGO REGULATIONS

35. It is proposed to revise 46 CFR 146.24–85, regarding the bulk transportation of anhydrous ammonia. The proposed changes deal with method of lading, safety relief valves, and other changes so that the requirements will be compatible with similar requirements governing the transportation of other compressed gases. These changes are the result of a request from industry.

36. The authority for these regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. App. 1275.

ITEM XVII—COMBUSTILE LIQUIDS—DANGEROUS CARGO REGULATIONS

37. It is proposed to revise §§ 146.26–1 to 146.26–100, inclusive, in the subpart entitled "Detailed Regulations Governing Combustile Liquids." The proposed changes bring these requirements into closer alignment with those governing inflammable liquids. The proposed changes provide for a number of combustible liquids not previously specifically named which are being shipped by water in increasing quantities and are also in general agreement with the regulations prescribed by the Interstate Commerce Commission. It is also proposed to renumber all the sections within this subpart in order to allow for future expansion in the regulations. Where these sections appear as references in other subparts in 46 CFR Part 146 they will be corrected accordingly.

38. The authority for these regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. App. 1275.

ITEM XVIII—HAZARDOUS ARTICLES—DANGEROUS CARGO REGULATIONS

39. It is proposed to amend 46 CFR 146.27–1 to 146.27–100, inclusive, in the subpart entitled "Detailed Regulations Governing Hazardous Articles." The various changes proposed regarding hazardous articles have become necessary as the result of evaluation of additional data on the water transportation of these commodities. The proposed changes include authorizing new containers for various hazardous articles, permitting shipment of cotton that has been wet under certain stowage conditions, and removing restrictions on certain articles that have been determined nonhazardous. In accordance with the recommendations of the Interagency Committee it is proposed to add ammonium sulphate nitrate as a hazardous article. It is also proposed to renumber all the sections within this subpart in order to allow for future expansion in the regulations. Where these sections appear as references in other subparts in 46 CFR Part 146 they will be corrected accordingly.

40. The authority for these regulations is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. The regulations interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. App. 1275.

ITEM XIX—LOAD LINES FOR GREAT LAKES VESSELS

41. It is proposed to amend 46 CFR 45.01–15, 45.01–75, 45.05–5, 45.05–15, 45.15–17, and 45.20–80 and to add new §§ 45.01–17 and 45.15–96 in the Load Line Regulations for the Great Lakes. In accordance with requests from industry and in the line of experience which had been acquired in the operation of bulk freighters and tankers on the Great Lakes, it is proposed to revise the Load Line Regulations for Great Lakes Vessels by changing the period of the intermediate and summer seasons and to establish a new load line mark "MS" for a new season to be known as "Midsummer" which will be applicable to tankers and freighters regularly carrying bulk cargoes, such as grain, coal, ore, or rock.

42. The authority for the regulations is in sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a.

Dated: February 4, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 53–1458; Filed, Feb. 12, 1953; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOS ANGELES GRAIN EXCHANGE

ORDER VACATING DESIGNATION AS CONTRACT MARKET

On October 24, 1922, the Los Angeles Grain Exchange was designated as a contract market under the provisions of the Grain Futures Act (42 Stat. 998), such designation being continued in full force and effect under the Commodity Exchange Act (49 Stat. 1491; 7 U. S. C. 1–17a), which amended the Grain Futures Act and provided that such act be thereafter cited as the Commodity Exchange Act (7 U. S. C. 1). In a notice addressed to the Secretary of Agriculture, received January 23, 1953, the Los Angeles Grain Exchange, by its president, has requested that its designation as a contract market under the Commodity Exchange Act be vacated, effective May 1, 1953.

The Los Angeles Grain Exchange has complied with all requirements of law regarding the vacation of its designation as a contract market under the Commodity Exchange Act. Pursuant to the authority vested in me under section 7 of the Commodity Exchange Act (7 U. S. C. 11) and in accordance with the direction therein contained, it is hereby ordered that the designation of the Los Angeles Grain Exchange as a contract market under the Commodity Exchange Act be vacated.

This order shall become effective May 1, 1953.

Copies of the said notice and of this order shall be sent to all other contract markets.

Dated this 9th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1443; Filed, Feb. 12, 1953; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3041 et al.]

TRANSATLANTIC CARGO CASE (REOPENED U. S.-EUROPE-MIDDLE EAST CARGO CASE)

NOTICE OF HEARING

In the matter of applications for certificates of public convenience and necessity to provide scheduled air transportation of property between points in the United States on one hand and points in Europe and the Middle East on the other.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 thereof, that a hearing in the above-indicated proceeding will be held on March 3, 1953, at 10:00 a. m., e. s. t., in the Auditorium, Department of Commerce, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following:

1. Whether the public convenience and necessity require the issuance of a certificate or certificates of public convenience and necessity to authorize air transportation of property between various points in the United States, on one hand, and various points in Europe and the Middle East, on the other; and

2. Whether applicants for certificates are fit, willing and able to provide such services as may be found required by the public convenience and necessity.

For further details of the issues involved in this proceeding, interested par-

ties are referred to the applications, pertinent orders of the Civil Aeronautics Board, and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding, should file with the Board on or before March 3, 1953, a statement setting forth the issues of law or fact upon which he desires to be heard.

Dated at Washington, D. C., February 10, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1466; Filed, Feb. 12, 1953; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 10, Amdt. 1]

CHICAGO GREAT WESTERN RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 10 and good cause appearing therefor: *It is ordered,* That:

Taylor's I. C. C. Order No. 10 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 10, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 10, 1953, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 9, 1953.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-1439; Filed, Feb. 12, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2987]

NIAGARA MOHAWK POWER CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AND SHARES OF COMMON STOCK AT COMPETITIVE BIDDING

FEBRUARY 9, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which the United Corporation, a registered holding company, owned, as of January 15, 1953, 9.48 percent of the outstanding voting securities, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Niagara Mohawk proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of General Mortgage Bonds __ Percent Series, due February 1983, and 1,000,000 shares of its common capital stock without par value, the proceeds of which will be used to retire outstanding bank loans maturing March 1, 1953, in the aggregate principal amount of $40,000,000 and for construction requirements. Applicant has requested that the Commission's order permit shortening of the ten-day period for inviting sealed bids pursuant to Rule U-50 and that the Commission's order herein become effective upon its issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds and common stock shall not be consummated until the results of competitive bidding and a final order of the Public Service Commission of the State of New York approving the issue and sale of said bonds and stock shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to said bonds and common stock be, and hereby is, shortened to six days.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1438; Filed, Feb. 12, 1953; 8:45 a. m.]

MITCHELL SECURITIES CORP.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Mitchell Securities Corporation, 129 Allen Building, Midland, Texas.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1953.

I. The Commission's public official files disclose that Mitchell Securities Corporation, a New York Corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1951 and 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 16th day of March 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 9, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

[1] Filed as part of the original document.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 16, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1437; Filed, Feb. 12, 1953; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS III, IV, AND V

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 28, 1953.

REGION III

Philadelphia Order I-G1-2, amendment 5, filed 2:32 p. m.; I-G2-2, amendment 5, filed 2:32 p. m.; II-G1-1, filed 2:32 p. m.; II-G1-1, amendment 1, filed 2:33 p. m.; II-G1-1, amendment 2, filed 2:33 p. m.; II-G1-1, amendment 3, filed 2:33 p. m.; II-G2-1, filed 2:34 p. m.; II-G2-1, amendment 1, filed 2:34 p. m.; II-G2-1, amendment 2, filed 2:34 p. m.; II-G2-1, amendment 3, filed 2:34 p. m.; II-G1-1, amendment 1, filed 2:34 p. m.; II-G2-1, amendment 1, filed 2:35 p. m.; II-G2-1, amendment 2, filed 2:35 p. m.; II-G2-1, amendment 3, filed 2:35 p. m.; III-G1-1, amendment 1, filed 2:35 p. m.; III-G1-1, amendment 2, filed 2:36 p. m.; III-G2-1, amendment 1, filed 2:36 p. m.; III-G2-1, amendment 2, filed 2:36 p. m.; IV-G1-1, amendment 2, filed 2:36 p. m.; IV-G1-1, amendment 3, filed 2:37 p. m.; IV-G1-1, amendment 4, filed 2:37 p. m.; IV-G2-1, amendment 2, filed 2:37 p. m.; IV-G2-1, amendment 3, filed 2:37 p. m.

REGION IV

Richmond Order II-G1-1, filed 2:37 p. m.; II-G1-1, amendment 1, filed 2:38 p. m.; II-G2-1, filed 2:38 p. m.; II-G2-1, amendment 1, filed 2:38 p. m.; I-G1-3, amendment 1, filed 2:38 p. m.; I-G2-3, amendment 1, filed 2:39 p. m.; I-G3-3, amendment 1, filed 2:39 p. m.; I-G3A-3, amendment 1, filed 2:39 p. m.; I-G4-2, amendment 4, filed 2:40 p. m.; I-G4-3, amendment 1, filed 2:39 p. m.; I-G4A-3, amendment 1, filed 2:39 p. m.; II-G1-1, amendment 3, filed 2:40 p. m.; II-G2-1, amendment 3, filed 2:40 p. m.; II-G3-1, amendment 2, filed 2:40 p. m.; II-G4-1, amendment 2, filed 2:40 p. m.; I-G3-2, amendment 4, filed 2:40 p. m.

Charlotte Order I-G1-3, amendment 2, filed 2:41 p. m.; I-G2-3, amendment 2, filed 2:41 p. m.; I-G3-3, amendment 2, filed 2:41 p. m.; I-G3-3, amendment 3, filed 2:41 p. m.; I-G3A-3, amendment 2, filed 2:41 p. m.; I-G4-3, amendment 2, filed 2:42 p. m.; I-G4-3, amendment 3, filed 2:42 p. m.; I-G4A-2, amendment 2, filed 2:42 p. m.

Baltimore Order I-G1-3, amendment 1, filed 2:42 p. m.; I-G2-3, amendment 1, filed 2:42 p. m;. III-G3-1, amendment 1, filed 2:43 p. m.; III-G4-1, amendment 1, filed 2:43 p. m.; III-G4A-1, amendment 1, filed 2:43 p. m.

Washington D. C. Order I-G1-3, amendment 1, filed 2:43 p. m.; I-G1-3, amendment 2, filed 2:44 p. m.; I-G2-3, amendment 1, filed 2:44 p. m.; I-G2-3, amendment 2, filed 2:44 p. m.; I-G4-3, amendment 1, filed 2:44 p. m.; I-G4-3, amendment 2, filed 2:45 p. m.; I-G4A-1, amendment 1, filed 2:45 p. m.; I-G4A-1, amendment 2, filed 2:45 p. m.

REGION V

Atlanta Order II-G1-2, filed 2:45 p. m.; II-G2-2, filed 2:46 p. m.; I-G1-3, amendment 1, filed 2:46 p. m.; I-G2-3, amendment 1, filed 2:46 p. m.; I-G3-3, amendment 1, filed 2:47 p. m.; I-G3-3, amendment 2, filed 2:47 p. m.; I-G3A-3, amendment 1, filed 2:47 p. m.; I-G4-3, amendment 1, filed 2:47 p. m.; I-G4-3, amendment 2, filed 2:47 p. m.; I-G4-3, amendment 3, filed 2:48 p. m.; I-G4A-3, amendment 1, filed 2:48 p. m.

Columbia Order I-G1-3, amendment 1, filed 2:48 p. m.; I-G2-3, amendment 1, filed 2:48 p. m.; I-G3-3, amendment 1, filed 2:48 p. m.; I-G3A-3, amendment 1, filed 2:49 p. m.; I-G4-3, amendment 1, filed 2:49 p. m.; I-G4A-3, amendment 1, filed 2:49 p. m.; I-G4-2, amendment 3, filed 2:49 p. m.

Jackson Order I-G1-3, amendment 1, filed 2:49 p. m.; I-G2-3, amendment 1, filed 2:50 p. m.; I-G3-3, amendment 1, filed 2:50 p. m.; I-G3A-1, amendment 1, filed 2:50 p. m.; I-G3A-2, amendment 1, filed 2:50 p. m.; I-G3A-2, amendment 2, filed 2:50 p. m.; I-G1-1, amendment 2, filed 2:52 p. m.; I-G1-1, amendment 3, filed 2:53 p. m.; I-G1-1, amendment 4, filed 2:54 p. m.; I-G3-1, amendment 3, filed 2:54 p. m.; I-G3-1, amendment 4, filed 2:54 p. m.; I-G4-1, amendment 3, filed 2:54 p. m.; I-G4-1, amendment 4, filed 2:54 p. m.

Jacksonville Order I-G1-3 amendment 1, filed 2:55 p. m.; I-G1-3, amendment 2, filed 2:55 p. m.; I-G2-3, amendment 1, filed 2:55 p. m.; I-G3-3, amendment 2, filed 2:56 p. m.; I-G4-3, amendment 1, filed 2:56 p. m.; I-G4-3, amendment 2, filed 2:56 p. m.; II-G1-3, amendment 1, filed 2:56 p. m.; II-G1-3, amendment 2, filed 2:56 p. m.; II-G2-3, amendment 1, filed 2:56 p. m.; II-G2-3, amendment 2, filed 2:57 p. m.; III-G1-3, amendment 1, filed 2:57 p. m.; III-G2-3, amendment 1, filed 2:57 p. m.; III-G4A-3, amendment 1, filed 2:58 p. m.; IV-G1-3, amendment 1, filed 2:58 p. m.; IV-G2-3, amendment 1, filed 2:58 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53-1416; Filed, Feb. 9, 1953; 11:17 a. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 30, 1953.

REGION VIII

Fargo Order I-G1-1, filed 2:48 p. m.; I-G2-1, filed 2:48 p. m.; I-G3-1, filed 2:48 p. m.; I-G4-1, filed 2:49 p. m.; I-G1-2, filed 2:49 p. m.; I-G2-2, filed 2:49 p. m.; I-G3-2, filed 2:50 p. m.; I-G4-2, filed 2:50 p. m.; I-G1-3, filed 2:50 p. m.; I-G3-3, filed 2:51 p. m.; I-G2-3, filed 2:51 p. m.; I-G4-3, filed 2:51 p. m.; I-G1-4, filed 2:51 p. m.; I-G2-4, filed 2:52 p. m. I-G3-4, filed 2:52 p. m.; I-G4-4, filed 2:52 p. m.; I-G1-3, amendment 1, filed 2:52 p. m.; I-G2-3, amendment 1, filed 2:53 p. m.

REGION XI

Salt Lake City Order II-G1-1, amendment 4, filed 2:53 p. m.; II-G2-1, amendment 3, filed 2:53 p. m.; II-G2-1, amendment 4, filed 2:54 p. m.; II-G4-1, amendment 3, filed 2:54 p. m.; II-G4-1, amendment 4, filed 2:54 p. m.; III-G1-1, amendment 2, filed 2:55 p. m.; III-G1-1, amendment 3, filed 2:55 p. m.; III-G2-1, amendment 2, filed 2:55 p. m.; III-G2-1, amendment 3, filed 2:55 p. m.

REGION XII

Los Angeles Order III-G4A-1, filed 2:56 p. m.; I-G1-3, amendment 1, filed 2:56 p. m.; I-G2-3, amendment 1, filed 2:56 p. m.; I-G3-3, amendment 1, filed 2:56 p. m.; I-G4-3, amendment 1, filed 2:57 p. m.; I-G4A-3, amendment 1, filed 2:57 p. m.; II-G1-3, amendment 2, filed 2:57 p. m.; II-G2-3, amendment 2, filed 2:57 p. m.; II-G4-3, amendment 2, filed 2:58 p. m.; II-G4A-3, amendment 2, filed 2:58 p. m.; III-G1-1, amendment 3, filed 2:58 p. m.; III-G4A-1, amendment 1, filed 2:58 p. m.; III-G4A-1, amendment 2, filed 2:59 p. m.

San Francisco-Oakland Order II-G4-1, filed 2:59 p. m.; I-G3-2, filed 2:59 p. m.; I-G4-2, filed 3:00 p. m.; III-G3-1, filed 3:00 p. m.; III-G4-1, filed 3:00 p. m.; I-G3-2, amendment 1, filed 3:00 p. m.; I-G4-2, amendment 1, filed 3:01 p. m.; II-G4-1, amendment 1, filed 3:01 p. m.

Phoenix Order IV-G3-1, amendment 2, filed 3:01 p. m.; IV-G4-1, amendment 2, filed 3:02 p. m.; IV-G3-1, amendment 3, filed 3:02 p. m.; IV-G4-1, amendment 3, filed 3:02 p. m.

REGION XIII

Portland Order II-G4A-2, filed 3:03 p. m.; II-G2-2, filed 3:03 p. m.; II-G1-2, filed 3:03 p. m.; I-G1-3, amendment 1, filed 3:04 p. m.; I-G1-3, amendment 2, filed 3:04 p. m.; I-G1-3, amendment 3, filed 3:05 p. m.; I-G2-3, amendment 1, filed 3:05 p. m.; I-G2-3, amendment 2, filed 3:06 p. m.; I-G2-3, amendment 3, filed 3:06 p. m.; I-G3-1, amendment 4, filed 3:07 p. m.; I-G3-1, amendment 5, filed 3:07 p. m.; I-G4-3, amendment 1, filed 3:07 p. m.; I-G4-3, amendment 2, filed 3:07 p. m.; I-G4-3, amendment 3, filed 3:08 p. m.; I-G4A-3, amendment 1, filed 3:08 p. m.; I-G4A-3, amendment 2, filed 3:08 p. m.; I-G4A-3, amendment 3, filed 3:08 p. m.; II-G1-1, amendment 3, filed 3:10 p. m.; II-G2-1, amendment 3, filed 3:10 p. m.; II-G4-1, amendment 4, filed 3:10 p. m.; II-G4-1, amendment 5, filed 3:10 p. m.; II-G4-1, amendment 6, filed 3:10 p. m.; III-G1-1, amendment 2, filed 3:12 p. m.; III-G1-1, amendment 3, filed 3:12 p. m.; III-G2-1, amendment 2, filed 3:12 p. m.; III-G2-1, amendment 3, filed 3:12 p. m.; III-G4-1, amendment 3. filed 3:13 p. m.; III-G4-1, amendment 4, filed 3:13 p. m.; III-G4-1, amendment 5, filed 3:13 p. m.; IV-G4-1, amendment 3, filed 3:14 p. m.; IV-G4-1, amendment 4, filed 3:14 p. m.; IV-G4-1, amendment 5, filed 3:14 p. m..

Spokane Order II-G4-1, filed 3:14 p. m.; II-G4-1, amendment 1, filed 3:14 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53-1431; Filed, Feb. 9, 1953; 4:06 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 4, Revised]

BELLINGHAM MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This revision of Special Order No. 4 extends the coverage of the Bellingham-Ferndale marketing area to include certain additional cities and towns. The Statement of Considerations accompanying Special Order No. 4, being equally applicable to the extended area, is incorporated herein by reference.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Bellingham marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.004 per gallon. The Bellingham marketing area is defined as that area in which dealers located in Bellingham, Ferndale, Blaine, Lynden, Sumas, Everson and Deming make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this revised order, shall remain in full force and effect as to the commodities covered by this revised order.

3. This revised order may be amended, modified, or revoked at any time.

Effective date. This revised Special Order shall become effective on February 7, 1953.

MURIEL MAWER,
Acting Regional Director, Region XIII, Office of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1386; Filed, Feb. 6, 1953; 4:54 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 17]

SPOKANE, WASHINGTON, MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Spokane, Washington, Marketing Area.

The Office of Price Stabilization was requested by distributors in the Spokane, Washington, marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *it is ordered:*

1. That the ceiling price of heating oil distributors in the Spokane marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.0003 per gallon. The Spokane marketing area is defined as that area surrounded by the cities and towns of Spokane, Deepcreek, Denison, Chattaroy, Four Lakes and Mica, together with the immediately adjacent areas in which dealers in the named cities and towns make deliveries without additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on February 7, 1953.

MURIEL MAWER,
Acting Regional Director, Region XIII, Office of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1387; Filed, Feb. 6, 1953; 4:54 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 23]

NASH KELVINATOR

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED JANUARY 28, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to flat rate time allowances USZ 53-1P and USD 53-1P of Nash Kelvinator for approval for supplemental flat rate time allowance.

The Director of Price Stabilization has determined from the data submitted by Nash Kelvinator approval of supplemental flat rate time allowances USZ 53-1P and USD 53-1P that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of supplemental flat rate time allowances USZ 53-1P and USD 53-1P dated January 28, 1953 as covered in the Nash Kelvinator application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 7, 1953 by Special Order No. 23 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1388; Filed, Feb. 6, 1953; 4:55 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 24]

NASH KELVINATOR

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED JANUARY 28, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to flat rate time allowances USZ 53-1D and USD 53-1D of Nash Kelvinator for approval for supplemental flat rate time allowance.

The Director of Price Stabilization has determined from the data submitted by Nash Kelvinator approval of supplemental flat rate time allowances USZ 53-1D and USD 53-1D that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of supplemental flat rate time allowances USZ 53-1D and USD 53-1D dated January 28, 1953, as covered in the Nash Kelvinator application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS, February 7, 1953, by Special Order No. 24 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or

amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 7, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 6, 1953.

[F. R. Doc. 53-1389; Filed, Feb. 6, 1953; 4:55 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 25]

STUDEBAKER CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED FEBRUARY 5, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to service operations N-300-S, H-201-S, H-200-S of Studebaker Corp. for approval for supplemental service operations.

The Director of Price Stabilization has determined from the data submitted by Studebaker Corp. approval of supplemental service operations N-300-S, H-201-S and H-200-S that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of supplemental service operations N-300-S, H-201-S and H-200-S dated February 5, 1953 as covered in the Studebaker Corporation application is authorized for use in establishing the service operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 10, 1953, by Special Order No. 25 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 10, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1429; Filed, Feb. 9, 1953; 4:06 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 26]

FORD MOTOR CO.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS DATED FEBRUARY 5, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to Suggested Time Schedule, FPSB-7 of Ford Motor Co. for approval for Suggested Time Schedule, FPSB-7.

The Director of Price Stabilization has determined from the data submitted by Ford Motor Co. approval of Suggested Time Schedule, FPSB-7 that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of Suggested Time Schedule, FPSB-7 dated February 5, 1953 as covered in the Ford Motor Application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 10, 1953, by Special Order No. 26 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 10, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 9, 1953.

[F. R. Doc. 53-1430; Filed, Feb. 9, 1953; 4:06 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 19163]

MARIE RIPPMAN

In re: Estate of Marie Rippman, also known as Marie W. Rippmann, deceased. File No. D-28-13076: E. T. Sec. 17191.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, names unknown, and the heirs, next-of-kin, legatees, devisees and distributees of Martha Walcker, deceased, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1. 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Marie Rippman, also known as Marie W. Rippmann, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, Calif., as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1446; Filed, Feb. 12, 1953; 8:46 a. m.]

[Vesting Order 19165]

AGNES FESER

In re: Bank account owned by Agnes Feser. F-28-32055-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Agnes Feser, whose last known address is 14b Eberhardzell, Post Biberach, Wurtemberg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Hudson County National Bank, 95 River Street, Hoboken, New Jersey, arising out of a Savings Account

numbered 40621, entitled Agnes Feser, maintained with the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Agnes Feser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1448; Filed, Feb. 12, 1953; 8:47 a. m.]

JEAN CHARLES SEAILLES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jean Charles Seailles, Paris, France; Claim No. 36751; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,856,194 and 2,253,730; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Applications Ser. Nos. 305,481 (now United States Letters Patent No. 2,330,631); 323,570 (now United States Letters Patent No. 2,356,626); 310,182 and 368,458; and property described in Vesting Order No. 1714 (8 F. R. 10630, July 30, 1943), relating to Patent Application Ser. No. 19,278.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1454; Filed, Feb. 12, 1953; 8:48 a. m.]

MARINA MARCHIONNI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The following cash amounts in the Treasury of the United States: Marina Marchionni, San Costanzo, Italy; $601.21 Carmela Gervasi, Fano, Italy; $601.21. Domenico Alessandrini, San Costanzo, Italy; $601.22. Maria Travaglini, Fano, Italy; $601.22; Claim No. 36382.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1452; Filed, Feb. 12, 1953; 8:47 a. m.]

ANNA MONTEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Montel, Linz, Upper Austria; Claim No. 13845; $769.85 in the Treasury of the United States.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1453; Filed, Feb. 12, 1953; 8:48 a. m.]

SIMON VUKAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Simon Vukas, Hotel Alamac, 71st Street and Broadway, New York, New York; Claim No. 58549; $34,137.93 in the Treasury of the United States.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1455; Filed, Feb. 12, 1953; 8:48 a. m.]

FRANZ FUCHS AND LEOPOLDINE MULLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Fuchs, Vienna, Austria; Leopoldine Muller, Vienna, Austria; Claim No. 6257; real property located in Cleveland, Ohio, known as 2519 and 2521 East 71st Street, in equal shares to the claimants.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1451; Filed, Feb. 12, 1953; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 31

Washington, Saturday, February 14, 1953

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 134]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.615 *Tangerine Regulation 134*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 16, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 16, 1953; the recommendation and supporting information for continued regulation subsequent to February 15 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 16, 1953, and ending at 12:01 a. m., e. s. t., March 2, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, that grade U. S. No. 2 which are (*a*) of a size larger than the size that will pack 150 tangerines, or (*b*) of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Continued on p. 891)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Berkenhoff & Drebes, A. G	924
Buttmann, Henry	923
Fleuchaus, Katie	923
Marx, Ernest Ludwig	924
Maucher, Paula	922
Naamlooze Vennootschap Algemeen Hollandsch Trustkantoor	923
Civil Aeronautics Board	
Notices:	
Accident occurring near Fish Haven, Idaho; notice of hearing	913
Capital Airlines, Inc.; reopened Milwaukee - Chicago - New York restriction case (Cleveland-New York nonstop service); notice of postponement of hearing	913
Commerce Department	
See Federal Maritime Board; International Trade, Office of, Maritime Administration.	
Economic Stabilization Agency	
See Price Stabilization, Office of; Rent Stabilization, Office of.	
Federal Maritime Board	
Rules and regulations:	
Regulations affecting subsidized vessels and operators; information and procedure required under operating-differential subsidy agreements	909
Federal Power Commission	
Notices:	
Hearings, etc.:	
Algonquin Gas Transmission Co. et al	917
El Paso Natural Gas Co	918
Florida Power Corp	917
Iowa Public Service Co. and Kansas City Power & Light Co	917
Public Service Co. of Colorado	917
Texas Eastern Transmission Corp. et al	919
Wilcox Trend Gathering System, Inc	919

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Titles 10–13 ($0.40)
Title 49: Parts 71 to 90 ($0.45)

Previously announced: Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Security Agency Page
See Food and Drug Administration.

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
American Assn. of Orthodontists and T. Wallace Sorrels 893
Leonards and Lee Surplus Sales Co. et al 893

Food and Drug Administration
Rules and regulations:
Certification of batches of antibiotic and antibiotic-containing drugs; biological drugs that contain antibiotics 894

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See also Petroleum Administration for Defense.

CONTENTS—Continued

Interior Department—Con. Page
Notices:
Secretarial functions relating to water and power development 911

Internal Revenue Bureau
Rules and regulations:
Excess profits tax; taxable years ending after June 30, 1950:
Excess profits credit of regulated public utilities entitled to benefits of section 448 of the Internal Revenue Code 897
Exclusion from excess profits net income of certain income derived from foreign sources 896
Income tax; taxable years beginning after December 31, 1941:
Miscellaneous amendments 895
Removal of the 5 percent limitation in the deduction of medical expenses for taxpayers aged 65 or over 894

International Trade, Office of
Notices:
Universal Transport Corp.; order denying license privileges 911
Rules and regulations:
Denial or suspension of export privileges 905
Licensing policies and related special provisions 905
Positive list of commodities and related matters 906
Scope of export control by Department of Commerce 905

Interstate Commerce Commission
Notices:
Applications for relief:
Anhydrous ammonia from Southwest to Lynchburg, Norfolk, and Richmond, Va 921
Fertilizer and related articles from points in Arkansas, Louisiana, and Texas to Stoney Creek, Va 920
Formaldehyde from Tallant, Okla., and Bishop, Tex., to southwestern and western trunk-line territories 922
Grain from Chicago, Joliet, and Lockport, Ill., to points in Arkansas and Missouri 921
Hydrol from Corpus Christi, Tex., to Louisville, Ky 921
Paper boxes from West Monroe, La., to St. Louis, Mo., and East St. Louis, Ill 921
Pig iron from North Tonawanda, N. Y., to Worcester, Mass 922
Scrap iron from Augusta, Ga., to points in Alabama 922
Stoves and ranges from Nashville, Tenn., to New Orleans, La 921

Justice Department
See Alien Property, Office of.

CONTENTS—Continued

Maritime Administration Page
Notices:
Notices of application:
American President Lines, Ltd 911
Pacific Far East Line, Inc 911

Petroleum Administration for Defense
Rules and regulations:
Limitation on use of natural gas; termination (PAD Order 2) 904

Post Office Department
Rules and regulations:
Classification and rates of postage 909
Establishment and organization of the Post Office Department 909
International postal service: Postage rates, service available, and instructions for mailing 909

Price Stabilization, Office of
Notices:
Crude condensate ceiling prices adjusted on an in-line basis:
Certain fields in Louisiana 913
Logansport Field (Pettit and Travis Peak Formations), De Soto Parish, Louisiana 914
Rachal Field, Brooks County, Texas 913
Directors of district offices; redelegations of authority to act:
Region II, New York, N. Y.; under CPR 15 and 16 914
Region V, Atlanta, Ga.; under:
CPR 15 and 16 914
CPR 25 914
Region VI, Cleveland, Ohio; under CPR 15 and 16 915
Region VII, Chicago, Ill.; under CPR 25 915
Region VIII, Minneapolis, Minn.; under CPR 15 and 16 915
Region IX, Kansas City, Mo.; under:
CPR 25 915
CPR 34 916
CPR 161 915
GCPR 916
GOR 10 915
Region X, Dallas, Tex.; under CPR 15 and 16 916
Region XI, Denver, Colo.; under CPR 25 916
Region XIII, Seattle, Wash.; under CPR 15 and 16 916
Rules and regulations:
Beryllium copper master alloy (GCPR, SR 133) 903
Exemptions and suspensions of certain:
Food and restaurant commodities; fats, oils, soaps, cleansers, detergents, poultry and eggs (GOR 7) 899
Fuel products (GOR 12) 901

CONTENTS—Continued

Price Stabilization, Office of—Continued Page

Rules and regulations—Continued
- Exemptions and suspensions of certain—Continued
  - Industrial materials and manufactured goods, exemptions of; certain ferrous and nonferrous minerals, metal scrap, secondary nonferrous metal, iron ore, certain building materials and construction services, castings, forgings, and machinery and equipment rentals (GOR 9) 900
  - Rubber, chemical and drug commodity transactions; additional exemptions (GOR 3) 898
  - Paper, paperboard, converted paper and paperboard products, allied products and services; general decontrol of pulp, paper and paperboard commodities and services (GOR 8) 899
  - Services (CPR 34):
    - Linen and diaper supply services in Wheeling, W. Va. (SR 42) 902
    - Window washing services in Chicago, Ill. (SR 41) 902

Production and Marketing Administration

Proposed rule making:
- Milk handling in marketing areas:
  - Cleveland, Ohio 910
  - Detroit, Mich 910

Rules and regulations:
- Limitation of shipments:
  - Lemons grown in California and Arizona (2 documents) 892
  - Oranges, grapefruit, and tangerines grown in Florida (2 documents) 889, 891

Rent Stabilization, Office of

Rules and regulations:
- Defense-rental areas:
  - Illinois:
    - Hotels 905
    - Motor courts 905
  - Illinois and Pennsylvania:
    - Housing 904
    - Rooms 904

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Alabama Power Co. et al 919
  - Amesbury Electric Light Co. et al 919
  - Potomac Edison Co. and Potomac Light and Power Co. 920
  - Southern Co. and Georgia Power Co 919

Treasury Department

See also Internal Revenue Bureau.

Notices:
- Two percent Treasury Bonds of 1953–55 (dated October 7, 1940); notice of call for redemption 913

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page

Chapter IX:
- Part 924 (proposed) 910
- Part 933 (2 documents) 889, 891
- Part 953 (2 documents) 892
- Part 975 (proposed) 910

Title 15

Chapter III:
- Part 370 905
- Part 373 905
- Part 382 905
- Part 399 906

Title 16

Chapter I:
- Part 3 (2 documents) 893

Title 21

Chapter I:
- Part 146 894

Title 26

Chapter I:
- Part 29 (2 documents) 894, 895
- Part 40 (2 documents) 896, 897

Title 32A

Chapter III (OPS):
- CPR 6 (see GOR 7) 899
- CPR 10 (see GOR 7) 899
- CPR 34, SR 41 902
- CPR 34, SR 42 902
- GCPR, SR 133 903
- GOR 3 898
- GOR 7 899
- GOR 8 899
- GOR 9 900
- GOR 12 901

Chapter IX (PAD):
- PAD 2 904

Chapter XXI (ORS):
- RR 1 904
- RR 2 904
- RR 3 905
- RR 4 905

Title 39

Chapter I:
- Part 1 909
- Part 34 909
- Part 127 909

Title 46

Chapter II:
- Part 281 909

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1540; Filed, Feb. 13, 1953; 8:45 a. m.]

[Grapefruit Reg. 176]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.616 *Grapefruit Regulation 176*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendatoins of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 16, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 16, 1953; the recommendation and supporting information for continued regulation subsequent to February 15 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 16, 1953, and ending at 12:01 a. m., e. s. t., March 2, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(iv) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(v) Any pink seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 or U. S. No. 2 Bright which are (*a*) of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, or (*b*) of a size larger than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(x) Any pink secdless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1541; Filed, Feb. 13, 1953; 8:45 a. m.]

[Lemon Reg. 471, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.578 (Lemon Regulation 471, 18 F. R. 796) are hereby amended to read as follows:

(ii) District 2, 225 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1565; Filed, Feb. 13, 1953; 8:45 a. m.]

[Lemon Reg. 472]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.579 *Lemon Regulation 472*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 11, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 15, 1953, and ending at 12:01 a. m., P. s. t., February 22, 1953, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 471 (18 F. R. 796) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1566; Filed, Feb. 13, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6030]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LEONARDS AND LEE SURPLUS SALES CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.85 *Government approval, connection, or standards: Government indorsement: Standards, specifications, or source;* § 3.90 *History of product or offering;* § 3.110 *Indorsements, approval or testimonials;* § 3.130 *Manufacture or preparation;* § 3.155 *Prices—Exaggerated as regular and customary;* § 3.235 *Source or origin—Government;* § 3.245 *Specifications or standards conformance;* § 3.285 *Value.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 2.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* In connection with the offering for sale, sale or distribution of merchandise in commerce, representing (1) that articles of merchandise are surplus goods of any of the armed services of the United States, or of the Allied Powers, or of any other nation or group of nations, unless such is the fact; (2) that any article or articles of merchandise were purchased, or otherwise acquired, directly or indirectly, from the United States Government, or any branch thereof, or from the Allied Powers, or from any other nation or group of nations, unless such merchandise was in fact so acquired; (3) that any article of merchandise is standard or regulation merchandise of, or meets the specifications or requirements of, any of the armed services of the United States, or of the National Bureau of Standards or any other branch of the United States Government, or of the Allied Powers, or of any other nation or group of nations, unless such is the fact; (4) that any merchandise offered for sale or sold has a retail price in excess of the price at which such merchandise is usually and customarily sold; (5) that any merchandise is guaranteed unless the nature and extent of the guarantee and the manner and form in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or, (6) that binoculars offered for sale were manufactured on Karl Zeiss tools, or on any other well known brand of tools, or are the choice of any of the armed services of the United States, unless such is the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Leonards and Lee Surplus Sales Company et al., Chicago, Ill., Docket 6030, November 6, 1952]

In the Matter of Leonards and Lee Surplus Sales Company, a Corporation, and Nat M. Reznick, Sheldon Leibowitz and Marvin Leibowitz, Individually and as Officers of Said Corporation, and Nat M. Reznick, Sheldon Leibowitz and Marvin Leibowitz, Copartners, Doing Business as Normscope Surplus Sales

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated November 10, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 6, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondents, Leonards and Lee Surplus Sales Company, a corporation, and its officers, and Nat M. Reznick, Sheldon Leibowitz and Marvin Leibowitz, individually and as officers of said corporation, and as copartners doing business as Normscope Surplus Sales, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That articles of merchandise are surplus goods of any of the armed services of the United States, or of the Allied Powers, or of any other nation or group of nations, unless such is the fact;

2. That any article or articles of merchandise were purchased, or otherwise acquired, directly or indirectly, from the United States Government, or any branch thereof, or from the Allied Powers, or from any other nation or group of nations, unless such merchandise was in fact so acquired.

3. That any article of merchandise is standard or regulation merchandise of, or meets the specifications or requirements of, any of the armed services of the United States, or of the National Bureau of Standards or any other branch of the United States Government, or of the Allied Powers, or of any other nation or group of nations, unless such is the fact;

4. That any merchandise offered for sale or sold has a retail price in excess of the price at which such merchandise is usually and customarily sold;

5. That any merchandise is guaranteed unless the nature and extent of the guarantee and the manner and form in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

6. That binoculars offered for sale were manufactured on Karl Zeiss tools, or on any other well known brand of tools, or are the choice of any of the armed services of the United States, unless such is the fact.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 10, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR., *Acting Secretary.*

[F. R. Doc. 53-1492; Filed, Feb. 13, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

[Docket 6016]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN ASSN. OF ORTHODONTISTS AND T. WALLACE SORRELS

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Coercing and intimidating:* § 3.380 *Publishers of advertising mediums of competitors.* Subpart—*Combining or conspiring:* § 3.470 *To restrain and monopolize trade.* Subpart—*Cutting of competitors' or others' access to customers or market:* § 3.560 *Interfering generally with distributive outlets;* § 3.565 *Interfering with advertising mediums.* Subpart—*Cutting off competitors' or others' supplies or service:* § 3.613 *Advertising contacts.* I. In or in connection with the offering for sale, sale and distribution in commerce, of supplies, devices and appliances used by dentists in the practice of orthodontia, generally recognized as referring to the regulation of the teeth through the use in the oral cavity of certain supplies, devices and appliances, and on the part of respondent, The American Association of Orthodontists, its officers, etc., and T. Wallace Sorrels, entering into, cooperating in, carrying out or continuing any combination, agreement, understanding or planned common course of action between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (a) attempt to prevent or prevent those engaged in the manufacture and sale of supplies, devices and appliances, used by dentists and orthodontists in the practice of orthodontia from having access to media of advertising serving the dental profession; (b) attempt to prevent or pre-

vent dentists from having the benefit of advertising by those engaged in the manufacture and sale of supplies, devices and appliances needed by dentists in the practice of orthodontia; (c) attempt to coerce or coerce and compel by threats of boycott, acts of intimidation and other means, publishers and editors of trade publications in the dental field, or others, from soliciting or publishing advertisements from those engaged in the manufacture and sale of supplies, devices and appliances used by dentists in the practice of orthodontia; or (d) use The American Association of Orthodontists or any successor association, or group, as an instrumentality or medium for carrying on and making effective any of the aforesaid acts and practices; and, II, knowingly contributing, on the part of each of said members of said association, and on the part of respondent T. Wallace Sorrels, to the accomplishment of any of the aforesaid acts, practices or things; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The American Association of Orthodontists et al., White Plains, N. Y., Docket 6016, November 6, 1952]

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition in violation of the provisions of section 5 of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated November 10, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 6, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondents, The American Association of Orthodontists, a corporation, its officers, directors and members, and T. Wallace Sorrels, directly or indirectly, in or in connection with the offering for sale, sale or distribution in commerce, between and among the several States of the United States, and in the District of Columbia, of supplies, devices and appliances used by dentists in the practice of orthodontia,[2] do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any combination, agreement, understanding or planned common course of action between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

(a) Attempting to prevent or preventing those engaged in the manufacture and sale of supplies, devices and appliances used by dentists and orthodontists in the practice of orthodontia[2] from having access to media of advertising serving the dental profession.

(b) Attempting to prevent or preventing dentists from having the benefit of advertising by those engaged in the manufacture and sale of supplies, devices and appliances needed by dentists in the practice of orthodontia.[2]

(c) Attempting to coerce or coercing and compelling by threats of boycott, acts of intimidation and other means, publishers and editors of trade publications in the dental field, or others, from soliciting or publishing advertisements from those engaged in the manufacture and sale of supplies, devices and appliances used by dentists in the practice of orthodontia.[2]

(d) Using The American Association of Orthodontists or any successor association, or group, as an instrumentality or medium for carrying on and making effective any of the aforesaid acts and practices.

It is further ordered, That each of the respondents members of respondent The American Association of Orthodontists and T. Wallace Sorrels do forthwith cease and desist from knowingly contributing to the accomplishment of any of the acts, practices, or things prohibited in paragraphs (a) to (d), inclusive, of this order.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 10, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING, JR., *Acting Secretary.*

[F. R. Doc. 53-1493; Filed, Feb. 13, 1953; 8:51 a. m.]

[1] Filed as part of the original document.

[2] It is generally recognized that the words "orthodontic" and "orthodontia" refer to the regulation of the teeth through the use in the oral cavity of certain supplies, devices and appliances.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BIOLOGICAL DRUGS THAT CONTAIN ANTIBIOTICS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR, 1951, Supp., 146) are amended as indicated below:

Part 146 is amended by adding the following new section:

§ 146.83 *Biological drugs that contain antibiotics.* Biological drugs that contain penicillin, streptomycin, dihydrostreptomycin, aureomycin, bacitracin, or chloramphenicol, and the purpose of the antibiotic is for use only as a preservative and the biological drug is conspicuously so labeled, shall be exempt from the requirements of sections 502 (l) and 507 of the act, if such drugs are licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682; 42 U. S. C. 201 et seq.) or under the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.).

This order, which provides for exemption from certification of biological drugs that contain penicillin, streptomycin, dihydrostreptomycin, aureomycin, bacitracin, or chloramphenicol, if the antibiotic is used only as a preservative and the biological drug is conspicuously so labeled, provided such drugs are licensed under the Public Health Service Act of July 1, 1944, or under the Virus-Serum-Toxin Act of March 4, 1913, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the aforesaid amendment.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 11, 1953.

[SEAL] OVETA CULP HOBBY, *Administrator.*

[F. R. Doc. 53-1496; Filed, Feb. 13, 1953; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5984, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REMOVAL OF 5 PERCENT LIMITATION IN DEDUCTION OF MEDICAL EXPENSES FOR TAXPAYERS AGED 65 OR OVER

On December 2, 1952, notice of proposed rule making, regarding amendments to conform Regulations 111 (26 CFR Part 29) to section 307 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 10869). No objection to the rules proposed having been received, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (x)-1 the following:

SEC. 307. MEDICAL EXPENSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 23 (x).* Section 23 (x) (relating to medical, dental, etc., expenses) is hereby amended to read as follows:

(x) *Medical, dental, etc., expenses.* Expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent specified in section 25 (b) (3)—

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year, to the extent that such expenses exceed 5 per centum of the adjusted gross incomc; or

(2) If either the taxpayer or his spouse has attained the age of 65 beforc the close of the taxable year, (A) the amount of such expenses for the care of the taxpayer and his spouse, and (B) the amount by which such expenses for the care of such dependents exceed 5 per centum of the adjusted gross income.

The deduction under this subsection shall not be in excess of $1,250 multiplied by the number of exemptions allowed under section 25 (b) for the taxable year (exclusive of exemptions allowed under section 25 (b) (1) (B) or (C), with a maximum deduction of $2,500, except that the maximum deduction shall be $5,000 in the case of a joint return of husband and wife under section 51 (b). The term "medical care", as used in this subsection, shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance). The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 51 (b) (5).

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.23 (x)–1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended as follows:

(A) By striking therefrom paragraph (c) and inserting in lieu thereof the following:

(c) In the case of medical expenses for the care of a person who is the taxpayer's spouse or dependent, the deduction under section 23 (x) is allowable if the status of such person as "spouse" or "dependent" of the taxpayer exists either at the time the expenses were incurred or at the time the payment of the expenses was made. Thus, payments made in June 1942, by A, for medical services rendered B, his wife, in 1941 may be deducted by A for 1942 even though prior to payment for that year B died or secured a divorce; and payments made in July 1942, by C for medical services rendered D in 1941 may be deducted by C for 1942 even though C and D were not married until June 1942. However, with respect to taxable years beginning after December 31, 1950, the status of a person as the "spouse" of the taxpayer must exist as of the close of the taxable year of the taxpayer in which either the expenses were incurred or the payment was made, or, in the case of the death of the spouse in either such year, as of the time of such death. In determining whether such status exists a taxpayer who is legally separated from his spouse under a decree of separate maintenance is not considered as married.

(B) By inserting in the first sentence of paragraph (e), immediately following "after December 31, 1943," the following: "and before January 1, 1951,".

(C) By striking the last sentence of paragraph (e) and inserting in lieu thereof the following new paragraphs (f) and (g) and by redesignating present paragraphs (f), (g) and (h) as paragraphs (h), (i) and (j):

(f) For taxable years beginning after December 31, 1950, there is no 5 percent limitation on the deduction for medical expenses, not compensated for by insurance or otherwise, expended for the care of taxpayer or his spouse, where either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year. In such cases the taxpayer may deduct (subject to the maximum deduction allowable as described in this section for taxable years beginning after December 31, 1947): (1) The amount of all payments for the medical care of the taxpayer and his spouse; and (2) the amount by which his payments for the medical care of his dependents exceeds 5 percent of his adjusted gross income. In determining the amount of medical expenses deductible under subparagraph (2) of this paragraph (see section 23 (x) (2) (B)) the amount deductible under subparagraph (1) of this paragraph (see section 23 (x) (2) (A)) shall not be included for the purpose of meeting the 5 percent limitation. (For computations illustrating this rule, see examples (6) and (7) at the end of this section.) In determining the age of an individual for the purposes of the unlimited deduction of medical payments for old age, the last day of the taxable year of the taxpayer is the controlling date. Thus, a taxpayer who has not attained the age of 65 at the end of the taxable year may not claim the unlimited deduction with respect to payments made for the medical care of himself or his spouse if the spouse dies before attaining the age of 65 even though such spouse would have attained the age of 65 before the close of the taxable year of the taxpayer.

(g) The deduction for medical expenses shall not be deemed to have been allowed for any taxable year for which the taxpayer claimed and was allowed the standard deduction under section 23 (aa).

(D) By inserting after example 5 the following:

Example (6). Taxpayer E, who attained the age of 65 years on February 22, 1951, makes his return on the basis of the calendar year. During the year 1951, E has adjusted gross income of $8,000, and pays the following medical bills: (a) $240 (3% of adjusted gross income) for the medical care of himself and his spouse, and (b) $320 (4% of adjusted gross income) for the medical care of his dependent son. The allowable deduction under section 23 (x) is $240. No deduction is allowable for the amount of $320 paid for medical care of the dependent son since the amount of such payment (determined without regard to the payments for the care of the taxpayer and his spouse) does not exceed 5 percent of adjusted gross income.

Example (7). H and W make a joint return for the calendar year 1951 on which four exemptions are allowed (exclusive of exemptions under section 25 (b) (1) (B) or (C)), one for each taxpayer and two for their dependent minor children. W became 65 years of age on August 15, 1951. The adjusted gross income of H and W in 1951 is $40,000 and they pay in such year the following amounts for medical care: (a) $1,500 for the medical care of H; (b) $2,500 for the medical care of W; and (c) $3,500 for the medical care of the children. The allowable deduction under section 23 (x) for medical expenses paid in 1951 is $5,000 computed as follows:

Payment for medical care of H and W in 1951		$4,000
Payment for medical care of children in 1951	$3,500	
Less 5 percent of $40,000 (adjusted gross income)	2,000	
		1,500
		5,500
Maximum allowable deduction in 1951		5,000

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 10, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1500; Filed, Feb. 13, 1953; 8:53 a. m.]

[T. D. 5985; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

On November 11, 1952, notice of proposed rule making with respect to exchanges or distributions in obedience to orders of the Securities and Exchange Commission was published in the FEDERAL REGISTER (17 F. R. 10263). No objections to the proposed rules having been received, Regulations 111 (26 CFR Part 29) are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.373–1 the following:

SEC. 338. EXCHANGES AND DISTRIBUTIONS IN OBEDIENCE TO ORDERS OF SECURITIES AND EXCHANGE COMMISSION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definition of system group.* Section 373 (d) (1) (relating to the definition of the term "system group") is hereby amended to read as follows:

(1) At least 90 per centum of each class of the stock (other than (A) stock which is preferred as to both dividends and assets, and (B) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 per centum of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years affected by an exchange or distribution made after December 31, 1947.

PAR. 2. Section 29.373–1 (d) is amended as follows:

(A) By amending the headnote thereof to read as follows:

(d) *"System group"—(1) Taxable years affected by an exchange or dis-*

tribution made before January 1, 1948.
* * *

(B) By striking from the first sentence thereof "The term 'system group' is defined" and inserting in lieu thereof the following: "For taxable years affected by an exchange or distribution made before January 1, 1948, the term 'system group' is defined".

(C) By adding at the end thereof the following subparagraph (2):

(2) *Taxable years affected by an exchange or distribution made after December 31, 1947.* For taxable years affected by an exchange or distribution made after December 31, 1947, the term "system group" is defined in section 373 (d) to mean one or more chains of corporations connected through stock ownership with a common parent corporation, if at least 90 percent of each class of stock (other than (i) stock which is preferred as to both dividends and assets, and (ii) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and if the common parent corporation owns directly at least 90 percent of each class of stock (other than stock preferred as to both dividends and assets) of at least one of the other corporations; but no corporation is a member of a system group unless it is either a registered holding company or a majority-owned subsidiary company. While the type of stock which must, for the purpose of this definition, be at least 90 percent owned may be different from the voting stock which must be more than 50 percent owned for the purpose of the definition of a majority-owned subsidiary company under section 373 (c), as a general rule both types of ownership tests must be met under section 373 (d), since a corporation, in order to be a member of a system group, must also be a registered holding company or a majority-owned subsidiary company.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 10, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1501; Filed, Feb. 13, 1953; 8:53 a. m.]

[T. D. 5986; Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EXCLUSION FROM EXCESS PROFITS NET INCOME DERIVED FROM FOREIGN SOURCES OF CERTAIN INCOME

On December 16, 1952, notice of proposed rule making with respect to amendments of Regulations 130, § 40.433 (a)-2 (m), relating to the exclusion from excess profits net income of certain income derived from foreign sources, was published in the FEDERAL REGISTER (17 F. R. 11366). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the amendments to Regulations 130 (26 CFR Part 40) set forth below are hereby adopted:

PARAGRAPH 1. Section 40.433 (a)-2, as amended by Treasury Decision 5973, approved January 16, 1953, is further amended by striking out all of paragraph (m) and substituting in lieu thereof the following:

(m) (1) Under section 433 (a) (1) (M) there shall be excluded income derived from sources within any foreign country to the extent that such income—

(i) But for monetary, exchange, or other restrictions imposed by such foreign country, or

(ii) But for the taxpayer's election to defer the reporting of such income under a method of accounting, approved by the Commissioner, applicable to income which could not be readily converted into United States dollars or into other money or property readily convertible into United States dollars,

would have been includible in the gross income of the taxpayer for any taxable year which preceded its first taxable year ended after June 30, 1950. If such income is includible in the gross income of the taxpayer for a taxable year succeeding the first taxable year ended after June 30, 1950, and, but for such restrictions or such election, would have been includible in the gross income of the taxpayer for its first taxable year ended after June 30, 1950, and if such first taxable year began prior to July 1, 1950, such income shall be excluded in an amount which is the same proportion of such income as the number of days prior to July 1, 1950, in such first taxable year is of the total number of days in such first taxable year. Deductions properly chargeable and allocable to the income excluded under section 433 (a) (1) (M) shall not be allowed.

(2) For the purpose of this paragraph:

(i) The term "blocked foreign income" means income derived from sources within any foreign country during any taxable year which would, but for the restrictions or the election described in subparagraph (1) of this paragraph, have been includible in the gross income of the taxpayer for such taxable year.

(ii) The term "unblocked foreign income" means income which was "blocked foreign income" during the taxable year in which it was derived from sources within any foreign country, but which becomes includible in the gross income of the taxpayer for any subsequent taxable year, whether as a result of the removal of such restrictions, or of such income becoming readily convertible into United States dollars or into other money or property readily convertible into United States dollars, or for other reasons.

(3) In cases where unblocked foreign income cannot be specifically identified as the blocked foreign income or portion thereof of a particular taxable year, the determination whether unblocked foreign income from sources within any foreign country has become includible in the gross income of the taxpayer for a taxable year ending after June 30, 1950, and the determination of the taxable year in which any such unblocked foreign income would have been includible but for the restrictions or the election, shall be made in accordance with the following rules:

(i) The aggregate amount includible in gross income for the taxable year in respect of income derived from sources within such foreign country shall first be deemed attributable to the income derived from sources within such foreign country during such taxable year. To the extent that such unblocked foreign income is attributable to income so derived during the taxable year, such unblocked foreign income shall not be excluded under section 433 (a) (1) (M).

(ii) The amount of such unblocked foreign income in excess of the portion thereof attributable to income derived from sources within such foreign country during such taxable year under the rule stated in subdivision (i) of this subparagraph shall be deemed to be attributable to the earliest blocked foreign income derived from sources within such foreign country, which blocked foreign income has not been previously deemed unblocked in a prior taxable year. Such excess shall be excluded under section 433 (a) (1) (M) only to the extent of the aggregate of the blocked foreign income derived from sources within such foreign country in all taxable years beginning prior to July 1, 1950, but such aggregate shall be reduced by the proportion of the blocked foreign income derived from sources within such foreign country during the taxpayer's first taxable year ending after June 30, 1950, if such taxable year began prior to July 1, 1950, as the number of days after June 30, 1950, in such first taxable year is of the total number of days in such first taxable year.

In determining whether unblocked foreign income which becomes includible in the gross income of the taxpayer for a taxable year ending after June 30, 1950, can be specifically identified as attributable to the blocked foreign income or portion thereof derived from sources within such foreign country in a particular taxable year, effect shall be given to the previous application of the rules in subdivisions (i) and (ii) of this subparagraph to unblocked foreign income derived from sources within such foreign country which became includible in gross income of the taxpayer for a prior taxable year ending after June 30, 1950.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies 64 Stat. 1142; 26 U. S. C. Sup. 433)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 10, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1502; Filed, Feb. 13, 1953; 8:54 a. m.]

[T. D. 5983; Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EXCESS PROFITS CREDIT OF REGULATED PUBLIC UTILITIES ENTITLED TO BENEFITS OF SECTION 448 OF THE INTERNAL REVENUE CODE

On June 27, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5772) to conform Regulations 130 (26 CFR, Part 40) to sections 513 and 514 of the Revenue Act of 1951, approved October 20, 1951, and to express in greater detail the regulations under section 448 of the Internal Revenue Code, relating to the excess profits credit of regulated public utilities. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 130 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 40.448–1 the following:

SEC. 513. EXCESS PROFITS CREDIT—REGULATED PUBLIC UTILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 448 (c) (3) (relating to regulated public utilities) is hereby amended to read as follows:

(3) 6 per centum in the case of a corporation engaged as a common carrier (A) in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission, or (B) in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, if subject to the jurisdiction of the Interstate Commerce Commission or if the rates for such furnishing or sale are subject to the jurisdiction of a public service or public utility commission or other similar body of the District of Columbia or of any State.

SEC. 514. CONSOLIDATED RETURNS OF REGULATED PUBLIC UTILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 448 (e) (relating to consolidated returns of regulated public utilities) is hereby amended by adding at the end thereof the following new sentence: "For purposes of filing a consolidated return with its railroad lessee corporation, a railroad lessor corporation described in section 434 (d) (without regard to the requirement of payment of the lessor's taxes by the lessee) shall be considered a corporation described in subsection (c) (3)."

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including sections 513 and 514) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.448–1 is amended by adding at the end thereof the following: "For rules applicable to consolidated returns of affiliated corporations which include regulated public utilities, see § 29.141–1 of this chapter (Regulations 111) and see Part 24 of this chapter (Regulations 129)."

PAR. 3. Section 40.448–2 is amended as follows:

(A) By striking paragraph (a) (3) and inserting in lieu thereof the following:

(3) A corporation engaged as a common carrier (i) in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission, or (ii) in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, if subject to the jurisdiction of the Interstate Commerce Commission or if the rates for such furnishing or sale are subject to the jurisdiction of a public service or public utility commission or other similar body of the District of Columbia or of any State.

(B) By redesignating paragraphs (b), (c), and (d) thereof as paragraphs (d), (e), and (f), respectively.

(C) By striking the last sentence of paragraph (a) and inserting in lieu thereof the following: "For the purpose of this section, the term 'a corporation engaged in the furnishing or sale' includes a corporation (i) whose operations are an integral part of 'the furnishing or sale' of a product or service described in section 448 (c) and this section by an interconnected and coordinated public utility system or systems and (ii) whose rates for furnishing products or services to the system or systems are established or approved by a regulatory body described in this paragraph under the same type of regulation applicable to the system or systems for the products or services described in section 448 (c) and this section."

(D) By adding paragraphs (b) and (c) to read as follows:

(b) *Rates.* (1) If a schedule of rates has been filed with any regulatory body described in paragraph (a) of this section having the power to disapprove such rates, then such rates shall be considered as established or approved rates for the purpose of paragraph (a) of this section even though such body has taken no action on the filed schedule.

(2) Rates fixed by contract between the public utility and the purchaser, except where the purchaser is the United States, a State, the District of Columbia, or an agency or political subdivision of the United States, a State, or the District of Columbia, shall not be considered as established or approved rates for the purpose of paragraph (a) of this section in those cases where they are not subject to direct control, or where no maximum rate for such contract rates has been established, by the United States, a State, the District of Columbia, or by any agency or political division thereof. But see subparagraph (3) of this paragraph.

(3) If the taxpayer establishes to the satisfaction of the Commissioner that its revenue from regulated rates described in subparagraph (1) or (4) of paragraph (a) of this section and from unregulated rates are derived from its operation of a single interconnected and coordinated system or from its operation of more than one such system, and that an unregulated rate applicable in the operation of such system or systems has been and is substantially as favorable to users and consumers as a comparable regulated rate applicable in the operation of such system or systems, the revenue from such unregulated rate shall be considered, for the purpose of paragraph (a) of this section, as income derived from sources described in subparagraph (1) or (4) of paragraph (a) of this section. For the purpose of determining whether or not an unregulated rate has been and is substantially as favorable to users and consumers as a comparable regulated rate, due consideration shall be given to the factors recognized by the regulatory body described in paragraph (a) of this section under whose jurisdiction the comparable regulated rate is established or approved.

(c) *By-products and residual products.* If by-products or residual products are a direct and necessary incident to the furnishing of products or services described in section 448 (c), and if the revenue from such by-products or residual products is applied in reduction of the cost of furnishing the products or services described in section 448 (c) or is otherwise reflected in the rates established or approved by the regulatory body for such products or services, then the revenue from such by-products or residual products shall be considered as derived from sources described in section 448 (c).

(E) By striking subparagraph (2) of paragraph (e) thereof (as redesignated by item (B) above), and by substituting therefor the following:

(2) In the case of a corporation described in paragraph (a) (1) (i) or (ii), (2) or (4) of this section, if the corporate books of account are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), the adjusted invested capital for such taxable year shall be the sum of the average outstanding common and preferred capital stock, accounts for the taxable year and the average capital and earned surplus accounts for the taxable year, as properly recorded on the corporate books of account. The following rules shall apply for the purpose of this paragraph:

(i) The determination of the adjusted invested capital for any taxable year shall be made without regard to the profits or loss for such taxable year computed in accordance with such system of accounts and without regard to distributions out of the profits for such taxable year so computed. In determining whether a distribution is out of the profits for the taxable year, such profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the income and excess profits tax for such taxable year and the determination shall be made without regard to the amount of the profits at the time the distribution was made.

(ii) The term "an appropriate regulatory body" as used in this section means a regulatory body described in section 448 (c) (1) and in paragraph (a) (1) of this section, under whose jurisdiction the corporation operates.

(iii) The average of any account (such as the common stock account or the capital surplus account) shall be the sum, divided by the number of days in the taxable year, of the amount of such account as of the beginning of each day of the taxable year.

(iv) If the adjusted invested capital for any taxable year is computed by the method prescribed by this paragraph, the taxpayer must attach a statement to its return for such taxable year setting forth all the facts which require the use of such method.

PAR. 4. Section 40.448–3 is amended as follows:

(A) By changing the cross reference in paragraph (a) thereof from "§ 40.448–2 (c)" to "§ 40.448–2 (e)", by changing the cross reference in paragraph (c) thereof from "§ 40.448–2 (d)" to "§ 40.448–2 (f)", and by changing the cross reference in paragraph (d) thereof from "§ 40.448–2 (b)" to "§ 40.448–2 (d)".

(B) By adding at the end of paragraph (a) thereof the following:

* * * In case the corporation is described in § 40.448–2 (a) (1), (2), (3), or (6), and is also described in § 40.448–2 (a) (4) or (5), the computation under the preceding sentence shall be as follows:

(1) A first amount shall be computed by applying a 6 percent rate to the sum of the items specified in the preceding sentence;

(2) A second amount shall be computed by applying a one percent rate to the sum of the items specified in the preceding sentence;

(3) There shall be added to the first amount so much of the second amount as the ratio of the gross income from the operations described in § 40.448–2 (a) (4) and (5) bears to the total gross income from the operations described in § 40.448–2 (a).

For the purpose of this paragraph gross income shall be computed without regard to dividends and capital gains and losses.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 10, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1499; Filed, Feb. 13, 1953; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 3, Revision 1, Amdt. 2]

GOR 3—EXEMPTIONS AND SUSPENSIONS OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 2 Revision 1 of General Overriding Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 3, Revision 1, is one of the actions by which OPS is carrying out that instruction.

GOR 3, originally issued to provide for exemption of certain limited rubber, chemical and drug commodity transactions, was revised on January 23, 1953, to provide a single listing of rubber, chemical and drug commodity transactions as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control sales at all levels of distribution of rubber raw materials, commodities composed of rubber and certain services performed by or in connection with the rubber industry. Among such commodities exempted from control are such familiar consumer goods as automobile tires and tubes, rubber footwear, rubber coated fabrics, apparel, bathing caps, drug, medical, surgical and other sundries, matting, and flooring. Also exempted from price control are rubber raw materials including imported crude natural rubber and latex, synthetic rubber, reclaimed rubber and scrap rubber. Among the industrial commodities exempted hereby are such products as V-belts, belting, hose and tubing, sponge rubber products, thread, hard rubber products, friction tape, rubber automotive and machinery parts.

This amendment further provides that those rubber commodities for which price ceilings have previously been suspended are now exempt from price control.

This amendment also continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

GOR 3, Revision 1, is amended in the following respects:

1. Section 20 is hereby amended by adding at the end thereof the following: "However any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record."

2. Section 23 is hereby amended by adding a new paragraph to read as follows:

(b) All sales of rubber materials, services and rubber commodities:

(1) *Rubber materials.*

Natural Crude Rubber and natural rubber latices.
Synthetic rubber and latices, including but not limited to, GR–S, neoprene, butyl, nitril and thiokol types.
Reclaimed rubber ("Reclaimed rubber" means all kinds, grades, and qualities of the rubber material recovered from any vulcanized scrap rubber).
Scrap rubber.
Milled and calendered compounds.
Chlorinated and cyclized rubber.

(2) *Rubber services.*

Tire mileage—the rental and servicing of tires for taxi, bus, truck and other fleet operators.
Master-batching, custom reclaiming and custom master-batching services formerly covered by CPR 58, and milled and calendered compounding.
Job-coating of fabrics.

(3) *Rubber commodities.*

Tires and tubes. All sales, including those to private brand owners and U. S. Government agencies, of all types of new and used pneumatic tires and tubes for original equipment and replacement use, semi-pneumatic and solid industrial and agricultural tires.
Basic tire carcases, recapped and retreaded tires.
Footwear, vulcanized as a unit.
Rubber and high styrene heels and soles.
Stationers' bands.
Erasers.
Drug, medical, surgical, dental, veterinary and mortuary rubber sundries.
Gloves, including dipped fabric gloves.
Bathing caps.
Thread, bare and covered.
Friction tape and rubber tape.
V-belts.
Flat rubber belting.
Chute and launder lining.
Hose and tubing.
Linings and coverings for tanks, tank cars, pipe, pipe fittings, paper mill rolls, steel mill rolls, industrial rolls, propeller shafts and other industrial equipment.
Hard rubber products, including battery separators and molded goods.
Latex foam sponge products, formerly suspended under section 33.
Chemically blown sponge products.
Sponge rubber rug underlay of any type.
Rubberized fiber and hair cushioning.
Tile and flooring and accessories.
Mats and matting.
Hydraulic brake cups and boots.
Typewriter platens and rolls.
Graphic arts products including printers' and engravers' gums, offset blankets and newspaper blankets.
Camelback and tire and tube repair materials.
Fabrics coated with a continuous film of rubber, synthetic rubber, pyroxylin, cellulose ester, cellulose ether, synthetic resin, oxidizable oil or combinations thereof, including artificial leather made from nonwoven fibrous products, oilcloth, bookcloth and window-shade cloth, as well as job coating and combined fabrics. Unsupported sheeting ("Unsupported sheeting" means a pliable unsupported continuous film of rubber, synthetic rubber, polyvinyl chloride resin or combinations thereof, having a gauge thickness of not less than

10 mils. For the purpose of this regulation, polyvinyl chloride resin means a polymer or copolymer, the main constituent of which is vinyl chloride in the amount of not less than 80 percent by weight).
Cements, liquid compounds and dispersions.
Dipped goods, not elsewhere listed.
Apparel not normally sewed as part of the assembly operations.
Sheet, slab and cut stock.
Pressure sensitive tape.
Sheet packing, including compressed rubber and asbestos sheet.
Jar rings.
Life rafts, pontoons, buoys, and other flotation equipment.
Balloons, all types.
Air bags, utility bags, bellows, safety helmets and masks, sleeves, diaphragms and other hand made products vulcanized as a unit.
Bearings.
Brake linings.
Latex covered products such as baskets, buckets, dippers, funnels.
Molded, extruded and cut rubber goods not elsewhere listed.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1570; Filed, Feb. 12, 1953; 5:13 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 20]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

FATS, OILS, SOAPS, CLEANSERS, DETERGENTS, POULTRY AND EGGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 7, Revision 1 (GOR 7), is one of the actions by which OPS is carrying out that instruction.

GOR 7 was issued to provide a single listing of certain food and restaurant commodities as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from control.

This amendment exempts from price control, at all levels of distribution, the following additional items:

1. All fats and oils, including shortening, lard, salad oils, salad dressings and mayonnaise; but excluding margarine.
2. All poultry, game and eggs;
3. All soaps, cleansers and detergents.

In view of the special nature and basis of this amendment, consultation with industry representatives, including trade association representatives, was impracticable and unnecessary. In the judgment of the Director, this amendment complies with the applicable provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Paragraph (l) of section 2 is amended to read as follows:

(l) *Poultry and eggs.* Poultry, game and eggs, sold in the continental United States.

2. Section 2 is amended by adding new paragraphs (n) and (o) to read as follows:

(n) *Fats and oils.* Except for sales made in the territories and possessions, fats and oils, including shortening, lard, salad oils and dressings, and mayonnaise; but excluding margarine.

(o) *Cleansers.* Soaps, cleansers and synthetic detergents.

3. Paragraph (b) of section 4 is amended to read as follows:

(b) *Ceiling Price Regulations.* Ceiling Price Regulations 6, 10, 11, 23, 24, 25, 26, 65, 74, 78 as supplemented, 79, 85, 92, 101, 109, 129 and 134.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This amendment is effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1571; Filed, Feb. 12, 1953; 5:13 p. m.]

[General Overriding Regulation 8, Amdt. 10]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

GENERAL DECONTROL OF PULP, PAPER AND PAPERBOARD COMMODITIES AND SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 8 is one of the actions by which OPS is carrying out that instruction.

GOR 8 was issued to provide a single listing of certain commodities and related services of the Pulp, Paper and Paperboard Branch of the Forest Products Division as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control all of the commodities and related services hitherto remaining subject to price control under the jurisdiction of the Pulp, Paper and Paperboard Branch, including those which had been previously only suspended from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Sales of commodities and services exempted from price control.* (a) All pulp, paper, paperboard and allied commodities and services covered by the Forest Products Division of the Office of Price Stabilization, and sold in the continental United States, such as, but not limited to, waste materials, pulpwood, matches, woodpulp, paper, paperboard and converted paper and converted paperboard, and printing are hereby exempted from price control.

(b) Any record, relating to a pulp, paper, paperboard or allied commodity or service exempted from price control, which you were required to have immediately prior to such exemption shall continue to be preserved and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record.

2. Section 2 is hereby deleted.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1572; Filed, Feb. 12, 1953; 5:14 p. m.]

[General Overriding Regulation 9, Amdt. 40]

GOR 9—Exemptions of Certain Industrial Materials and Manufactured Goods

Certain ferrous and nonferrous metals and nonmetallic minerals, metal scrap, secondary nonferrous metal, iron ore, certain building materials and construction services, castings, forgings and machinery and equipment rentals

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 40 to General Overriding Regulation 9 is hereby issued.

Statement of considerations

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 9 is one of the actions by which OPS is carrying out that instruction.

GOR 9 was issued to provide a single listing of industrial materials and manufactured goods as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control certain ferrous and nonferrous metals and non-metallic minerals, metal scrap, secondary nonferrous metal, iron ore, certain building materials and construction services, castings, forgings and machinery and equipment rentals.

This amendment further provides that all industrial materials and manufactured goods for which price ceilings have previously been suspended are now exempt from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

Amendatory provisions

1. Section 2 (a) of General Overriding Regulation 9 is amended by the addition of the following:

(40) *Certain non-ferrous metals and non-metallic minerals.* Sales of the following non-ferrous metals and non-metallic minerals:

Andalusite.
Antimony metal.
Antimony (needle).
Antimony residues.
Antimony sulphides (metals).
Aplite.
Asbestos textile products (cable, filters, cloth, tape, lapp, yarn, roving, wick, thread, listing, tubing, rope, cord).
Babbitt metal scrap.
Baddeleyite.
Barite (barytes or barium sulphate).
Barium metal.
Bismuth.
Boron carbide (abrasive grain).
Borosil.
Bortam.
Brucite (when used for magnesium metal).
Cadmium, metallic (primary, secondary anodes, special shapes, bars, sticks, other straight and flat forms).
Cadmium scrap.
Carolina stone.
Casting metal (lead base).
Celestite.
Cerium.
Chalk (bulk).
Clays (activated, ball, bleaching, china, paper, slip, stoneware).
Cornwall stone.
Corundum.
Diamond dust.
Diamonds (industrial).
Diatomite (diatomaceous earth).
Die cast scrap and die cast slab.
Drilling mud.
Emery.
Engraver's plates (zinc).
Feldspar.
Flint (except cigarette lighter).
Fluorspar (ceramic and metallurgical grades).
Frit.
Gallium.
Garnet.
Gasket metal (lead).
Germanium.
Gilsonite.
Gold ores and concentrates.
Gold semi-fabricated (except dental gold).
Graphite products (except for electrical uses).
Greensand.
Ground mica.
Halloysite.
Ilmenite.
Iridium metal (waste, and products except jewelry).
Kieselguhr.
Lead (antimonial).
Lead bars.
Lead (bullet, rod or wire).
Lead bullion.
Lead flashing sheet.
Lead (metallic).
Lead net or seine.
Lead ores and concentrates.
Lead ores-royalties.
Lead pipe and sheet (antimonial, chemical, tellurium, and tellurium antimonial).
Lead pipe (tin lined).
Lead powder.
Lead (primary).
Lead residues.
Lead scrap.
Lead (secondary, including caulking lead).
Lead shot (drop shot, buckshot, chilled).
Lead tape.
Lead wire.
Lithium compounds.
Lithium metal.
Lithium ores and concentrates.
Magnesium and magnesium alloy ingot.
Magnesium ingot (remelt).
Magnesium ingot (secondary).
Magnesium mill products (sheet, strip, rod, tubing, plate and shapes).
Magnesium rerolling slabs and powder.
Magnesium scrap.
Masurium.
Meerschaum.
Mesothorium.
Monazite (rare earths).
Mullito.
Olivine.
Optical calcite (Iceland spar).
Osmium metal (waste and products except jewelry).
Perlite.
Pewter and pewter scrap.
Phosphate rock.
Palladium metal (waste and products except jewelry).
Platinum metal (waste and products except jewelry).
Pumice.
Pumicite.
Quartz crystals.
Radium.
Roofing gradules.
Rottenstone.
Ruthenium metal (waste and products except jewelry).
Selenium.
Sepiolite.
Shale.
Silvaz alloy.
Silver scrap.
Silver (semi-fabricated alloys, wire sheet, blanks, circles, solders, brazing alloys, silverclad metals, silver inlays, etc.).
Slate flour.
Solder and babbitt metal containing silver.
Solder (pig, bar, wire).
Solder residues.
Strotianite.
Thorium (rare earths).
Tin ores and concentrates.
Tin primary (pig and special shapes).
Tin residues.
Tin (sheet, pipe, bar, extruded products, pulverized, tape and anodes).
Tripoli.
Type metal residues.
Type metals (electrotype, linotype, monotype, stereotype).
Vermiculite.
Volcanic ash.
Whiting (chalk).
Witherite.
Zinc anodes and special shapes.
Zinc base alloys (primary, secondary).
Zinc dross.
Zinc dust.
Zinc lithographers' plates.
Zinc metallic.
Zinc (milling, smelting, refining).
Zinc ores and concentrates.
Zinc ores-royalties.
Zinc (primary slab).
Zinc residues.
Zinc rolled products (sheet, strip, plate, etc.).
Zinc scrap.
Zircon.
Bentonite.
Quartzite.
Canister.
Wollastonite.
Porophyllite.
Indium.

(41) *Castings.* Sales of "castings" which includes any product produced from molten metal or alloy which is formed in a mold or die and on which no further operations are performed, except cleaning, snagging, rough grinding, inspecting, testing, rough drilling, or machining only for the purpose of inspecting or cleaning, including any such product upon which further operations are performed, but only if the product is designed solely to meet the buyer's specifications. It specifically includes cast rolling mill rolls whether or not such rolls are sold by the manufacturer of the rolling mill machinery.

(42) *Forgings.* Sales of "forgings" including any ferrous or non-ferrous metal product formed by the use of power-hammers, presses, upsetters or forging machines upon which no further opera-

tions are performed, except basic cleaning, trimming, sizing, coining, rough grinding, and rough drilling or machining only for the purpose of inspecting or cleaning. It also includes any such product which has been further finished by heat treating, welding, machining, plating or other similar operations to meet the buyer's specifications. It does not include forgings which are components, repair parts or subassemblies of a machine when sold by the manufacturer of that machine.

(43) *Collapsible tubes.* Sales of "collapsible tubes" including fabricated aluminum, tin, lead and tin-lead alloy collapsible tubes, and the service of converting tin, lead and tin-lead alloy into collapsible tubes.

(44) *Construction services.* Services including any transaction in which the seller furnishes labor service, or any combination of labor, materials and services under contract (express or implied) for building, highway, heavy railroad and miscellaneous construction. This includes the installation or incorporation of materials or equipment into a building, structure, or construction project, or on a right of way, either in new or additional construction, or otherwise; the removal of materials or equipment therefrom; or the repair, remodeling or alteration of an existing building or structure or construction project; the installation, modification and repair of production and processing facilities, whether or not connected with building construction and shop fabrication by the installer of materials to be installed by him in connection with any of the foregoing. This does not include transactions covered by CPR 156.

(45) *Paints, varnishes and lacquers.* Sales of paints, mixed and ready for use or in dry or paste form; varnishes, including spirit varnishes but not including shellac gum; lacquers and lacquer thinner; fillers, putty and caulking compounds; paint and varnish removers; "water-proofing" compounds, excepting metallic compounds, but including roof coating and roof cements; artists' oils and water colors; enamels; and top dressings.

(46) *Metal cap and crown closures.* Sales of metal caps used as screw, lug, vacuum and friction closures for commercial glass containers; metal home canning closures, including one-piece metal screw caps and two-piece closures consisting of a metal screw-band and a cap with flowed-on rubber seal; crown closures which are metallic caps produced by punch press operation, from one quarter pound steel tin plate or one-half pound black sheet steel, containing a gas tight cork liner; and all "extras" supplied by the manufacturer of the cap or closure, such as lithographing, printing, coloring, coating and packaging.

(47) *Window glass.* Sales of window glass; also referred to as "sheet glass", including common window glass, thin glass, and heavy or crystal sheet glass, both flat and bent; and any crating or packaging for the shipment thereof supplied by the manufacturer.

(48) *Glass containers.* Sales of empty glass containers manufactured for use in the commercial packing, packaging, bottling or similar accommodation of products such as foods, drugs, household and industrial products, chemicals, toiletries and cosmetics, and alcoholic and non-alcoholic beverages; and empty glass containers manufactured for use in home canning; and glass prescription ware.

(49) *Prefabricated structures.* Sales of "prefabricated structures", when made predominately of wood or metal, designed as shelters for persons, animals or goods, and as shelters for commercial and industrial activities, but not including fabricated steel industrial erections or installations. The term "prefabricated structure" applies to parts and components fabricated in a factory in such form that construction or erection thereof into a pre-designed structure requires merely the assembling and uniting the standardized parts, and components at the construction site.

(50) *Metal scrap and secondary nonferrous metals.* Sales of metal scrap and secondary nonferrous metals. "Secondary nonferrous metals" means any refined metal or alloy, other than iron and steel, in the production of which twenty-five percent or more of the metal used is nonferrous scrap.

(51) *Iron ore.* Sales of iron ore.

(52) *Rental of certain machinery and equipment.* All rental of machinery and equipment listed in Appendix A to CPR 30 or Appendix A to CPR 67.

2. Items (1) through (8) in section 2 (b) of GOR 9 are hereby added to the listing in section 2 (a), and redesignated as subparagraphs (53) through (60), respectively.

3. Section 2 (b) is hereby deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This amendment shall become effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1573; Filed, Feb. 12, 1953; 5:14 p. m.]

[General Overriding Regulation 12, Revision 1]

GOR 12—EXEMPTION OF CERTAIN FUEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended (Public Law 774, 81st Cong.), Executive Order 10161 (F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 12, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This revision of GOR 12 is one of the actions by which OPS is carrying out that instruction.

GOR 12 was issued to provide a single listing of certain fuels and related commodities as to which changing conditions justified removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to these sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control. In this instance, because of several changes which are being made in the body of the regulation aimed at simplification and standardization in relation to other general overriding regulations, the action takes the form of a revision of GOR 12.

This revised GOR 12 exempts from price control the following additional fuel products: All sales heretofore subject to CPR–13 (retail sales of petroleum products), all sales heretofore subject to CPR 17 except Number 2 heating oil (gasolines, naphthas, fuel oils and liquefied petroleum gases, natural gas, petroleum gas, casinghead gas and refinery gas), all sales subject to CPR–32 (crude oil), all sales heretofore subject to CPR–63 (lubricating oil, greases, waxes, and certain other petroleum products), and all sales heretofore subject to CPR–66 (asphalt and asphalt products).

This revised regulation also expressly continues the requirements heretofore in effect under the applicable ceiling price regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this revised regulation, consultation with industry representatives was impracticable and unnecessary.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Exemptions.
3. Exempt Products or Transactions (Solid Fuels).
4. Exempt Products or Transactions (Petroleum).

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This regulation exempts all sales of the products and related services hereinafter listed from any ceiling price regulation issued by the Director of Price Stabilization.

SEC. 2. *Exemptions.* No ceiling price regulation issued by the Director of Price Stabilization shall apply to the products or related services listed in Sections 3 and 4 of this regulation. However, any record relating to a commodity or service exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and

for the period stipulated in the regulation requiring you to have such record.

SEC. 3. *Exempt products or transactions (solid fuels).* (a) Sales by producers or distributors of Pennsylvania anthracite when sold and delivered under the trade name, "Anthrafilt," for use as a filter medium.

(b) Sales by producers or distributors of bituminous coal when sold and delivered as seacoal facing for use on a non-fuel basis in the preparation of molds for castings.

(c) Sales by producers or distributors of Pennsylvania anthracite when sold and delivered under the trade name "Philterkol," a specially prepared anthracite used as a medium in hot process filtration.

SEC. 4. *Exempt products or transactions (petroleum).* (a) All retail sales of petroleum products covered by CPR–13 and the supplements thereto, except number 2 heating oil.

(b) With the exception of Number 2 heating oil, all sales of gasolines, naphthas, fuel oils, and liquefied petroleum gases, natural gas, petroleum gas, casinghead gas and refinery gas covered by CPR–17.

(c) All sales of crude oil covered by CPR–32.

(d) All sales of lubricating oils, greases, waxes, and certain other petroleum products covered by CPR–63.

(e) All sales of asphalt and asphalt products covered by CPR–66.

Effective date. This General Overriding Regulation 12, Revision 1 shall become effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53–1574; Filed, Feb. 12, 1953; 5:14 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 41]

CPR 34—SERVICES

SR 41—WINDOW WASHING SERVICES IN CHICAGO, ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 41 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 41 to Ceiling Price Regulation 34 permits a uniform increase in ceiling prices for window washing services supplied within the limits of the City of Chicago, Illinois, by sellers located there.

A study of the operating costs and profit margins of a representative number of such sellers reveals that increased labor and material costs have impaired their pre-Korean earnings. Effective November 1, 1952, these suppliers granted their employees a six cent per hour wage increase, and six paid holidays whereas there were no paid holidays before, with the result that the earnings of these suppliers will be further impaired. It has been well established that direct labor costs in this industry generally amount to from 60 to 80% of selling price. Very small wage increases, therefore, result in almost immediate financial hardship for these service businesses.

The amount granted herein has been determined to be the minimum necessary to maintain the financial stability of these suppliers of window washing services in order to assure a continued supply of these essential services.

Under the provisions of this supplementary regulation, the charges of these suppliers of window washing services may be increased by 8 percent. This uniform increase was determined in accordance with the standards for individual adjustment under section 20 of Ceiling Price Regulation 34.

In the future, suppliers of window washing services subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for their window washing services under section 20 of Ceiling Price Regulation 34. In addition adjustments granted under that section are automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Applicability of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits suppliers of window washing services located in the city of Chicago, Illinois, to increase their ceiling prices for window washing services, rendered within the limits of that city, by 8 percent.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* If you are located within, and supply window washing services within, the limits of the City of Chicago, Illinois, you may increase your ceiling prices for such services by 8 percent.

SEC. 4. *Applicability of section 20 of Ceiling Price Regulation 34.* (a) A seller subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices, covered by this supplementary regulation, under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of such services in lieu of, and irrespective of, any adjustment heretofore granted any such supplier in respect of such services under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's window washing services, rendered in the City of Chicago, Illinois, under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

SEC. 5. *Definitions.* (a) "Window washing services", as used in this supplementary regulation, means the washing and cleaning of sash, casement, and plate glass windows, glass partitions, and glass doors.

Effective date. This supplementary regulation is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 53–1601; Filed, Feb. 13, 1953; 11:15 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 42]

CPR 34—SERVICES

SR 42—LINEN AND DIAPER SUPPLY SERVICES IN WHEELING, WEST VIRGINIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 42 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 42 to Ceiling Price Regulation 34 permits an increase in the ceiling prices of linen and diaper supply services furnished by linen and diaper suppliers in Wheeling, West Virginia.

An analysis of the operating costs and profit margins of sellers who provide all of the linen and diaper supply services in the area reveals that they are suffering an impairment of their pre-Korean earnings as a result of increased costs of operation resulting from wage increases, replacement of worn out, and obsolete equipment, and higher costs of materials.

Under the provisions of this supplementary regulation, ceiling prices of linen and diaper suppliers in Wheeling, West Virginia, may be increased by 8 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual linen and

diaper supplier, the established flat price for each article may be increased 8 percent. The adjusted flat price must, within ten days after determination, be filed with the appropriate Office of Price Stabilization District Office as required by section 18 of Ceiling Price Regulation 34, as amended.

The uniform increase has been determined in accordance with the standards for individual adjustments under section 20 of Ceiling Price Regulation 34, as amended.

Linen and diaper suppliers subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under section 20 of Ceiling Price Regulation 34, as amended. In addition, adjustments previously granted under that section are automatically revoked upon the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits linen and diaper suppliers located in Wheeling, West Virginia, to increase the ceiling prices of their linen and diaper supply services by 8 percent. This supplementary regulation shall not apply to any other services supplied by such linen and diaper suppliers.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you furnish linen and diaper supply services from locations in Wheeling, West Virginia, increase your ceiling prices by 8 percent for linen and diaper supply services thus supplied by either of the following methods:

(a) You may apply such adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each invoice the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34, as amended.

(b) You may in lieu of the method provided in paragraph (a) of this section, increase by 8 percent the flat price of each linen and diaper supply service article. Within ten days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required by section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) No seller of linen and diaper supply services subject to this supplementary regulation, may, after the effective date of this regulation, apply for an adjustment of any of his ceiling prices for linen and diaper supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices of any seller of linen and diaper supply services subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34, as amended, are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Linen supply services" means the supplying to others, on a rental basis, of clean laundered linen or garments by the owner of these items. The term "linen", as used in this definition, is not confined to articles made of linen textiles, but includes articles consisting of any fabric which are commonly laundered as distinguished from being dry cleaned.

(2) "Diaper supply services" means the supplying to retail customers on a rental basis, of clean laundered diapers by the owner of these items.

Effective date. This supplementary regulation is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 53–1602; Filed, Feb. 13, 1953; 11:15 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 133]

GCPR, SR 133—CEILING PRICE OF BERYLLIUM COPPER MASTER ALLOY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 133 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes a ceiling price for beryllium copper master alloy.

Beryllium copper master alloy is an important alloying material principally alloyed in materials used in the defense program. The beryllium used in this alloy is derived from beryl ore, ninety percent of which is imported from Brazil and South Africa. Since the beginning of the Korean hostilities, the price of this imported ore has increased over 100 percent. To secure the continued importation of this ore, its price has been exempted under the provisions of General Overriding Regulation 9. The producers of beryllium copper master alloy have had to absorb this continually increasing cost in the production of their product. It has been represented to this Agency that unless price relief is granted, the master alloy can no longer be produced. The price set forth in this regulation is considered the minimum sufficient to secure the continued production of beryllium copper master alloy.

The provisions of either Supplementary Regulation 125 to the General Ceiling Price Regulation or General Overriding Regulation 35 shall not apply to this material and only the adjustments allowed by this Supplementary Regulation may be taken. The provisions of these regulations, permit an adjustment in ceiling price for the primary copper content of the master alloy. This supplementary regulation establishes a ceiling price for the primary copper content of the master alloy which is not less than the price which would be received under the provisions of the above mentioned regulations.

In the formulation of this regulation, there has been consultation with industry representatives, including trade representatives, to the extent practicable and full consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling price.
3. Applicability of other regulations.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes a ceiling price for beryllium copper master alloy. Beryllium copper master alloy is an alloy of copper and beryllium containing about four percent beryllium and 96 percent copper.

SEC. 2. *Ceiling price.* The ceiling price for beryllium copper master alloy is the sum of 37.72 cents multiplied by the number of pounds of beryllium contained in the quantity of alloy sold and 29.3

cents multiplied by the number of pounds of copper contained in the quantity of alloy sold.

SEC. 3. *Applicability of other regulations.* After you have recalculated your ceiling price in accordance with section 2, the provisions of Supplementary Regulation 125 to the General Ceiling Price Regulation or General Overriding Regulation 35 may not be used to adjust this ceiling price. Except to the extent expressly modified or supplemented by this supplementary regulation, all provisions of the General Ceiling Price Regulation shall be applicable to the sales of beryllium copper master alloy.

Effective date. This Supplementary Regulation is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 53-1603; Filed, Feb. 13, 1953; 11:16 a. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 2, as amended August 22, 1952, Termination]

PAD ORDER 2—LIMITATION ON THE USE OF NATURAL GAS

TERMINATION

PAD Order No. 2, as amended, is hereby terminated effective March 1, 1953.

This termination does not relieve any person of any obligation or liability incurred under PAD Order No. 2 as originally issued or as amended nor does this termination deprive any person of any rights received or accrued under said order as originally issued or as amended prior to the effective date of this termination.

(Sec. 704, 64 Stat. 816, as amended 65 Stat. 131 and Public Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This termination is issued this 12th day of February 1953, and shall be effective on and after the 1st day of March 1953.

J. ED. WARREN,
Deputy Petroleum Administrator.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1561; Filed, Feb. 12, 1953; 4:11 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 122 to Schedule A]

[Rent Regulation 2, Amdt. 119 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS AND PENNSYLVANIA

Effective February 14, 1953, Schedules A of Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 91 of Schedule A of Rent Regulation 1 is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Illinois				
(91) Champaign-Vermilion.	B	In CHAMPAIGN COUNTY, the villages of Ludlow and Rantoul; in VERMILION COUNTY, the city of Georgetown and the villages of Potomac, Tilton, and Westville.	Mar. 1, 1942	Sept. 1, 1942
	C	In CHAMPAIGN COUNTY, the villages of Ludlow and Rantoul.	Aug. 1, 1952	Jan. 8, 1953

2. Item 91 of Schedule A of Rent Regulation 2 is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Illinois				
(91) Champaign-Vermilion.	B	In CHAMPAIGN COUNTY, the villages of Ludlow and Rantoul.	Mar. 1, 1942	Sept. 1, 1942
	C	----do----	Aug. 1, 1952	Jan. 8, 1953

3. Item 267 of Schedule A of Rent Regulation 1 and Rent Regulation 2 is amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh	B	In ALLEGHENY COUNTY, the cities of Clairton, Duquesne, McKeesport and Pittsburgh, the townships of Aleppo, Baldwin, East Deer, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Aspinwall, Baldwin, Blawnox, Brackenridge, Braddock, Braddock Hills, Brentwood, Bridgeville, Carnegie, Castle Shannon, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Emsworth, Etna, Glassport, Glenfield, Heidelberg, Homestead, Leetsdale, McDonald, McKees Rocks, Millvale, Mount Oliver, Munhall, North Braddock, Pitcairn, Port Vue, Rankin, Sharpsburg, Springdale, Swissvale, Tarentum, Trafford, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in ALLEGHENY COUNTY, except those in the townships of Crescent, Franklin, Hampton, Moon, Mount Lebanon, North Fayette, Ohio, Penn and Shaler, and the boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms and Wilkinsburg; in ARMSTRONG COUNTY, the township of Pine, the boroughs of Ford City, Kittaning, North Appollo and West Kittaning, and all unincorporated localities; in BEAVER COUNTY, the townships of Center, Hanover, Harmony and Potter, and the boroughs of Aliquippa and Monaca, and that part of BEAVER COUNTY north and east of the Ohio River, (except the townships of Economy and Brighten and the boroughs of Ambridge and Beaver), and all unincorporated localities in BEAVER COUNTY, except those in the township of Brighten and the borough of Beaver; in FAYETTE COUNTY, the cities of Connellsville and Uniontown, the townships of Dunbar, Franklin, German, Perry, Redstone and Washington, the boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Masontown, South Connellsville and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Stewart and Wharton; in GREENE COUNTY, all unincorporated localities, if any, in the townships of Cumberland, Dunkard, Jefferson, Monongahela, Morgan, and Franklin; in LAWRENCE COUNTY, the boroughs of Bessemer, and Ellwood City, and all unincorporated localities except those in the borough of New Wilmington; in WASHINGTON COUNTY, the cities of Monongahela and Washington, the townships of Canton, East Pike Run, North Strabane, Smith and South Strabane, the boroughs of Allenport, Beallsville, Bentleyville, Burgettstown, California, Canonsburg, Centreville, Charleroi, Coal Center, Cokeburg, Donora, Dunlevy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscoe, Speers, Stockdale, West Brownsville, and all unincor-	Mar. 1, 1942	July 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania—Con.				
		porated localities except those in the townships of East Finley, Morris, South Franklin, and West Finley; in WESTMORELAND COUNTY, the cities of Arnold, Jeanette, Monessen and New Kensington, the town of Oklahoma, the townships of East Huntingdon, Rostraver, Unity and Upper Burrell, the boroughs of East Vandergrift, Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Scottdale, South Greensburg, Trafford, Vandergrift and West Newton, and all unincorporated localities in WESTMORELAND COUNTY except the township of Sewickley.		
(277) Pittsburgh	B	In LAWRENCE COUNTY, all incorporated municipalities except the city of New Castle and the boroughs of Bessemer, Ellwood City, and New Wilmington.	Sept. 30, 1952	Oct. 8, 1952
	C	LAWRENCE COUNTY, except the city of New Castle and the borough of New Wilmington; and in BEAVER COUNTY, that portion of the borough of Ellwood City located therein.	Aug. 1, 1952	Dec. 10, 1952
	A	In LAWRENCE COUNTY, the borough of New Wilmington.	do	Do.
	C	That part of BEAVER COUNTY north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Ellwood City which lies in BEAVER COUNTY.	Oct. 1, 1950	Feb. 28, 1952
	C	In BEAVER COUNTY, the townships of Center and Potter, and the borough of Monaca.	do	Apr. 1, 1952
	A	In BEAVER COUNTY, Brighton Township	do	Feb. 28, 1952

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of Hampton in Allegheny County, Pennsylvania, a portion of the Pittsburgh Defense-Rental Area.

These amendments also decontrol:

(1) The Cities of Champaign and Urbana in Champaign County, Illinois, portions of the Champaign-Vermilion Defense-Rental Area, and all unincorporated localities in the Defense-Rental Area, the said Cities of Champaign and Urbana being the major portion of the Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the act; and

(2) Any remaining incorporated localities in Champaign County, Illinois, under rent control immediately prior to the effective date of these amendments, except the Villages of Ludlow and Rantoul, on the initiative of the Director of Rent Stabilization.

[F. R. Doc. 53-1497; Filed, Feb. 13, 1953; 8:52 a. m.]

[Rent Regulation 3, Amdt. 118 to Schedule A]

[Rent Regulation 4, Amdt. 60 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

ILLINOIS

Effective February 14, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(91) Champaign-Vermilion.	Illinois	In CHAMPAIGN COUNTY, the villages of Ludlow and Rantoul.	Aug. 1, 1952	Jan. 8, 1953

These amendments decontrol the following:

(1) The Cities of Champaign and Urbana in Champaign County, Illinois, portions of the Champaign-Vermilion Defense-Rental Area, and all unincorporated localities in the Defense-Rental Area, the said Cities of Champaign and Urbana being the major portion of the Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the act; and

(2) Any remaining incorporated localities in Champaign County, Illinois, under rent control immediately prior to the effective date of these amendments, except the Villages of Ludlow and Rantoul, on the initiative of the Director of Rent Stabilization.

[F. R. Doc. 53-1498; Filed, Feb. 13, 1953; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 31 [1]]

Part 370—Scope of Export Control by Department of Commerce

Part 373—Licensing Policies and Related Special Provisions

Part 382—Denial or Suspension of Export Privileges

MISCELLANEOUS AMENDMENTS

1. Section 370.7 *Exportation of commodities subject to Atomic Energy Act,* is amended in the following particulars:

a. The parenthetical reference to "(11 CFR, Parts 40 and 50)" is amended to read as follows: "(10 CFR Parts 40 and 50)".

b. Paragraph (b) *Facilities for the production of fissionable material* of Note 1: *Definitions,* following § 370.7 is amended to read as follows:

(b) *Facilities for the production of fissionable material.* As defined in the Atomic Energy Act of 1946, the term "facilities for the production of fissionable material" is to be construed to mean (1) any equipment or device capable of such production and (2) any important component part especially designed for such equipment or devices as determined by the Commission. Such facilities are classified as either Class I or Class II facilities in the regulations cited and are listed therein as follows:

Class I facilities: Any facility (other than a Class II facility) capable of producing any fissionable material, such as (1) nuclear reactors or piles, (2) facilities capable of the separation of isotopes of uranium, and (3) electronuclear machines (e. g., cyclotrons, synchrocyclotrons and linear ion accelerators) capable of imparting energies in excess of 1 Mev each to positively charged nuclear particles or ions. (The term "electronuclear machines" does not include X-ray generators.)

Class II facilities: (1) Radiation detection instruments, and their major components, designed, or capable of being adapted, for detection or measurement of nuclear radiations, such as alpha and beta particles, gamma radiation, neutron and protons, including the following:

(i) Geiger Mueller, proportional, or parallel plate counter scalers.

(ii) Geiger Mueller or proportional counter rate meters.

(iii) Scalers (adaptable to radiation detection).

(iv) Geiger Mueller and proportional detectors, audio or mechanical.

(v) Integrating ionization chamber meters and ionization chamber rate meters.

(vi) Geiger Mueller, proportional, or parallel plate counter detector components.

(vii) Electrometer tube circuits and dynamic condenser electrometers (vibrating reed, vibrating diaphragm, etc.) capable of measuring currents of less than 1 micro-microampere.

[1] This amendment was published in Current Export Bulletin No. 693, dated February 5, 1953, and in the reprint pages dated February 5, 1953.

(viii) Counter pulse rate meters.
(ix) Amplifiers designed for application in nuclear measurements, including linear amplifiers, preamplifiers and distributed (chain) amplifiers.
(x) Geiger Mueller quenching units.
(xi) Geiger Mueller or proportional coincidence units.
(xii) Dosimeters and electrometers, pocket and survey types, including electroscopes incorporating radiation measurement scales.
(xiii) Chambers, pocket type, with electrometer charger-reader.
(xiv) Electrometer tubes designed to operate with grid currents of less than 0.1 micromicroampere.
(xv) Resistors, values above 1,000 megohms.
(xvi) Scintillation counters incorporating a photomultiplier tube.
(xvii) Photomultiplier tubes having photocathode sensitivity of 10 or more microamperes per lumen, and an average amplification greater than 10^5.
(2) Mass spectrometers and mass spectrographs, of all mass ranges, and their major components, including the following:
(i) Leak detectors, mass spectrometer, light gas type.
(ii) Mass spectrometers or mass spectrographs.
(iii) Iron sources, mass spectrometer or spectrograph type.
(iv) Acceleration and focusing tubes, mass spectrometer and spectrograph types.
(v) Ionization chambers, mass spectrometer detector types.
(vi) Micromicroammeters capable of measuring current of less than 1.0 micromicroampere.
(vii) Electrometer tubes designed to operate with grid currents of less than 0.1 micromicroampere.
(viii) Resistors, values above 1,000 megohms.
(3) Vacuum diffusion pumps 12 inches diameter and larger (diameter measured inside the barrel at the inlet jet).
(4) Electronuclear machines, and their basic component parts, capable, with or without modification, of sustaining potential differences in excess of 100,000 volts against the discharging action of positive ion currents in excess of 10^{-7} amperes, such as belt-type electrostatic generators (Van der Graaf machines).
Exemptions: The listing above of electrometer-type electronic tubes and resistors does not constitute such items component parts of radiation detection equipment or mass spectrometers when they have been actually incorporated into (or packed as spares for shipment with) instruments (such as, but not limited to pH meters, spectrophotometers, moisture meters, and kilovoltmeters) not capable of detection or measurement of nuclear radiation or not capable of use as mass spectrometers.

c. NOTE 2: *License applications* following § 370.7 is amended to read as follows:

2. *License applications.* Applications for license to export source materials and facilities for the production of fissionable material should be made directly to the United States Atomic Energy Commission in the manner prescribed in the regulations cited. Copies of the regulations, together with forms and instructions for making license applications, may be obtained from the following address:

U. S. Atomic Energy Commission,
Attention: Licensing Controls Branch,
Washington 25, D. C.

2. Section 373.51 *Supplement 1; time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting the following entries and related submission dates:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—Fourth quarter, 1952
	Commodities other than controlled materials:	
619950	Other tin manufactures, n. e. c.	Sept. 1–Sept. 15, 1952.
830960	Sulfuric acid, all grades	Oct. 1–Oct. 31, 1952.

3. Section 382.51 *Table of compliance orders currently in effect denying export privileges* paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Brodsky, Isadore J., Ontario St. east of Richmond St., Philadelphia 34, Pa.	1-9-53	4-9-53	General and validated licenses, all commodities, any destination.	18 F. R. 333, 1-15-53.
Manufacture Nouvelle de Textiles (Manotex), 3 rue Olivier de Serres, Paris 15, France.	8-3-49	Duration	General and validated licenses, all commodities, any destination. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
Philadelphia Hide Corp., Ontario St. east of Richmond St., Philadelphia 34, Pa.	1-9-53	4-9-53	General and validated licenses, all commodities, any destination.	18 F. R. 333, 1-15-53.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Sklut, Morton, 236 Liberty St., Wilmington, Del.	12- 8-52	1-7-53	General and validated licenses, all commodities, any destination.	17 F. R. 11242, 12-12-52.
Sklut Hide & Fur Co., 236 Liberty St., Wilmington, Del.	12- 8-52	1-7-53	General and validated licenses, all commodities, any destination.	17 F. R. 11242, 12-12-52.
IPSA, A. G. fur Petroleum industrie, Rothkreuz, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination. (Company related to Albert von Tscharner, which see.)	16 F. R. 10888, 10-3-51.

This amendment shall become effective as of February 5, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 53–1426; Filed, Feb. 13, 1953; 8:45 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 29 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Metal salts of organic compounds, except paint and varnish driers (specify by name):					
839750	Lead styphnate (lead trinitroresorcinate) [1]	Lb.	SALT 64	25	RO	A
	Other industrial chemicals:					
839900	Germanium compounds [1]	-------	SALT	None	RO	A

[1] The commodities included in this Positive List entry are added to the commodities subject to the IC/DV procedure (§ 373.34 of this subchapter), effective Mar. 23, 1953, as indicated in the column headed "Commodity Lists."

This part of the amendment shall become effective as of 12:01 a. m., February 12, 1953.

[1] This amendment was published in Current Export Bulletin No. 693, dated February 5, 1953.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
504500	Emulsion wax, chief value paraffin wax; Indrolatum; and slop wax.
504600	Benowax; and Pennwax; Cabax wax; Diax-O-Wax; and Velatrum wax.
	Carbon or graphite products (natural and artificial):
547800	Lighting carbons, projector type only. [1]
	Basic hardware:
	Hinges and butts:
618150	Brass and bronze.
618150	Other metals, except aluminum, copper, zinc, iron and steel.
	Bolts, screws, nuts, rivets, and washers, n. e. c., not specially fabricated for particular machines or equipment (specify by name):
618263	Brass and bronze.
618263	Phosphor bronze and other copper-base alloys.
618265	Aluminum, except wire bolts, wire screws, and wire rivets.
618265	Copper; lead; and zinc.
618265	Other nonferrous metals.
	Nails, staples, spikes, and tacks:
	Wire nails, staples, and spikes (all nails, staples and spikes made from wire):
618269	Copper, brass and bronze, except staples for office use.
618269	Other nonferrous metals, except staples for office use and except aluminum and aluminum-base alloy nails, staples, and spikes.
	Nails, staples, and spikes, except wire:
618273	Copper, brass and bronze.
618273	Other nonferrous metals.
618274	Tacks, copper, brass and bronze, except thumbtacks.
618274	Tacks, other nonferrous metals, except thumbtacks.
	Builders' hardware, n. e. c., and specially fabricated parts, n. e. c. (specify by name):
618310	Copper-base alloys, except brass and bronze.
618350	Aluminum; copper; lead; and zinc.
618350	Other nonferrous metals (specify type of metal) (report iron and steel builders' hardware, n. e. c., in 618300).
	Hardware, n. e. c., copper base alloys (including brass and bronze) (specify by name):
618830	Brass or bronze lawn sprinklers (formerly 619950).
618858	Plumbers' brass goods (specify by name) (report brass pipe valves in 774465).
	Fabricated steel products:
618974	Fence posts, iron and steel.
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971):
	Filled shipping containers:
619012	Milk cans.[2]
	Unfilled shipping containers:
619022	Milk cans with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." [3]
619850	Type, for printing (report type metal in 651510).
	Metal manufactures, n. e. c., and parts, n. e. c.:
	Other metals, except precious (specify by name and type of metal):
619950	Other tin manufactures, n. e. c.[4]
621305	Spiegeleisen.
622090	Ferrophosphorous (specify phosphorous content).
	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name):
664998	Crystalline silicon.[5]
	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name):
771300	Cooling towers, and specially fabricated parts, n. e. c., for petroleum refinery installations.
771300	Cooling towers, and specially fabricated parts, n. e. c., for refrigeration or air conditioning installations, or chemical or pharmaceutical machinery installations.
	Lubrication equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.:
775090	Grease cups, lubricators, nozzles and oil cups, brass and bronze.
	Industrial manufacturing and service industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name):
775998	Fertilizer-manufacturing machinery, and specially fabricated parts, n. e. c.

[1] By this amendment, the entry presently on the Positive List under Schedule B No. 547800 is revised to read as follows: "Lighting carbons, except projector type."

[2] By this amendment, the second entry presently on the Positive List under Schedule B No. 619012 is revised to read as follows: "Other, except milk cans."

[3] By this amendment, the second and third entries presently on the Positive List under Schedule B No. 619022 are revised by the addition of the words "except milk cans."

[4] By this amendment, the last entry presently on the Positive List under Schedule B No. 619950 is revised by adding tin manufactures other than shot, slugs, and collapsible tubes to the exceptions listed therein.

[5] By this amendment, the last entry presently on the Positive List under Schedule B No. 664998 is revised to read as follows: "Other metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. except crystalline silicon.

Dept. of Commerce Schedule B No.	Commodity
	Plastics and resin materials:
	Synthetic resins in all unfinished forms, except laminated (report laminated plastics in 826010 and 826050):
	Ester gums (reaction products of rosin or modified rosins with glycerine or other alcohols):
825100	Pentaerythritol abietate (rosin ester of pentaerythritol) (including Pentalyn).
	Acids and anhydrides:
	Inorganic:
	Inorganic acids and anhydrides, n. e. c. (specify by name):
830980	Hydrofluoric acid.
	Organic chemicals not of coal-tar origin, n. e. c. (specify by name):
832990	Tributyl phosphate.
	Aluminum compounds, n. e. c. (specify by name):
833900	Aluminum fluoride.
	Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500-855100):
	Potassium compounds, n. e. c. (specify by name):
835900	Potassium fluoride.
	Sodium compounds:
837990	Sodium fluoride.
	Other industrial chemicals:
839900	Rhodium chloride.
843800	Paints containing radium.

This part of the amendment shall become effective as of 12:01 a. m., February 5, 1953.

3. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity
	Internal-combustion engines, n. e. c., and parts, n. e. c.:
	Diesel and semi-Diesel:
714500	Marine, 200 brake horsepower and under (at normal speed), injection type (specify brake horsepower).
714620	Marine, over 200, up to and including 500 brake horsepower (at normal speed), injection type (specify brake horsepower).
714640	Marine, over 500, up to and including 1,000 brake horsepower (at normal speed), injection type (specify brake horsepower).

This part of the amendment shall become effective as of 12:01 a. m., February 12, 1953.

4. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limit
	Internal-combustion engines, n. e. c., and parts, n. e. c.:	
	Diesel and semi-Diesel:	
714500	Marine, 200 brake horsepower and under (at normal speed), injection type (specify brake horsepower).	None
715900	Parts, n. e. c., specially fabricated for internal combustion locomotives (specify H. P. and RPM of engines requiring parts).	250

This part of the amendment shall become effective as of 12:01 a. m., February 12, 1953.

5. The following revisions are made in commodity descriptions. These revisions include changes in GLV dollar-value limits where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated liceuse required	Commodity lists
	Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids TDLS) (report compounded or semiprocessed in 209800):					
200998	Polyisohutylene [1]	Lb.	RUBR 2	100	RO	A B
200998	Silicone [1]	Lh.	RUBR 2	500	RO	A B
	Welding rods and wires:					
619039	Lead and lead hase (specify by name and metal conteut) (report lead solder in 651200).[2]	Lb.	NONF	200	RO	--------
651200	Lead solder [3]	Lb.	NONF	200	RO	--------
	Chemical and pharmaceutical processing and manufacturing machiues, n. e. c., aud specially fahricated parts, n. e. c. (report spinning pumps in 750850; report furnaces under appropriate Schedule B No. according to type of furuace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):					
775055	High vacuum freeze-drying equipmcnt, and specially fabricated parts, n. e. c. (formerly 775055 and 775360).[4]	--------	GIEQ	None	RO	A
	Crushing, pulverizing and screening machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report constructiou and mining types in 720310-720410):					
775380	Crushers and grinders and specially fabricated parts [5]	--------	GIEQ	100	R	--------

[1] The above two entries are substituted for the second entry presently on the Positive List under Schedule B No. 209998. The effect of this revision is to removo from the Positive List all synthetic ruhhers, n. e. c., included in the present eutry, except polyisobutylene aud silicone, and to increase the GLV dollar-value limits for silicone from $100 to $500.

[2] The ahove revised entry is substituted for the seventh entry presently on the Positive List under Schedule B No. 619039.

[3] The above entry is added to the Positive List under Schedule B No. 651200. Lead solder was formerly included in the seventh entry on the Positive List uudcr Schedule B No. 619039. This revision was inadvertently omitted from CEB 689 showing changes in the Positive List made to conform with revisious in Schedule B announced hy the Bureau of the Census in P. B. B-3, issued Nov. 21, 1952.

[4] By this amendment high vacuum freeze-drying equipment, and specially fabricated parts, n. e. c., is retained as the nineteenth entry on the Positive List under Schedule B No. 775055, and the last entry presently on the Positive List under Schedule B No. 775360 is deleted. This revision conforms with a determination by the Bureau of the Census that all high vacuum freeze-drying equipment and specially fabricated parts, n. e. c., shall he reported under Schedule B No. 775055.

[5] The above entry is suhstituted for the two entries presently on the Posltive List under Schedule B No. 775380. The effect of this revision is to comhine the entries.

This part of the amendment shall become effective as of 12:01 a. m., February 5, 1953.

6. The following commodities are made subject to the IC/DV procedure (see § 373.34 of this subchapter). Accordingly the letter "A" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
	Internal-combustion engines, n. e. e., and parts, n. e. c.:
	Diesel and semi-Diesel:
714500	Marine, 200 brake horsepower and under (at normal speed), injection type (specify brake horsepower).
714620	Marine, over 200, up to and including 500 brake horsepower (at normal speed), injection type (specify brake horsepower).
714640	Marine, over 500, up to and including 1,000 brake horsepower (at normal speed), injection type (specify brake horsepower).

This part of the amendment shall become effective as of March 23, 1953.

7. The following commodities are made subject to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter). Accordingly the letter "B" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
742600	Power-driven metalworking machine tools (nonportable), and parts: Plate plauers, double housing and open side, 48 inches and over; and rotary planers, double housing aud open side, 48 inches and over.

This part of the amendment shall become effective as of March 7, 1953.

8. The following commodities are no longer subject to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter). Accordingly the letter "B" set forth in the column headed "Commodity Lists" opposite those commodities is hereby deleted:

Dept. of Commerce Schedule B No.	Commodity
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:
	Rock drill bits, core drill hits, and reamers (includiug well drilling machine bits and reamers):
730870	Bits and reamers containing tungsten carhide.
	Power-driven metalworking machiue tools (nonportable), and parts:
	Milling machines, n. e. c.:
740800	Thread-milling machines.
744308	Other metal-grinding machines, except bench-type and pedestal grinders valued under $250.
	Motor trucks and truck chassis, including truck tractors (new), n. e. c. (g. v. w., or gross vehicle weight, is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety under normal conditions of operation) (specify type of body, if mounted):
	Gasoline (new):
	5,000 pounds gròss vehicle weight and under:
790013	Commercial, front and rear axle drive, or multiple rear axle drive.
790017	Military, front and rear axle drive, or multiple rear axle drive.
	5,001 to 10,000 pounds gross vehicle weight:
790023	Commercial, front and rear axle drive, or multiple rear axle drive.
790027	Military, front and rear axle drive, or multiple rear axle drive.
	10,001 to 14,000 pounds gross vehicle weight:
790033	Commercial, front and rear axle drive, or multiple rear axle drive.
790037	Military, front and rear axle drive, or multiple rear axle drive.
	14,001 to 16,000 pounds gross vehicle weight:
790043	Commerical, front and rear axle drive, or multiple rear axle drive.
790047	Military, front and rear axle drive, or multiple rear axle drive.
	16,001 to 19,500 pounds gross vehicle weight:
790053	Commercial, front and rear axle drive, or multiple rear axle drive.
790057	Military, front and rear axle drive, or multiple rear axle drive.
	19,501 pounds gross vehicle weight and over:
790063	Commercial, frout and rear axle drive, or multiple rear axle drive.
790067	Military, front and rear axle drive, or multiple rear axle drive.
	Diesel and semi-diesel (new):
	19,500 pounds gross vehicle weight and under:
790083	Commercial, front and rear axle drive, or multiple rear axle drive.
790087	Military, front and rear axle drive, or multiple rear axle drive.
	19,501 pounds gross vehicle weight and over:
790093	Commercial, front and rear axle drive, or multiple rear axle drive.
790097	Military, front and rear axle drive, or multiple rear axle drive.
	Motor busses and hus chassis (new) (specify passenger capacity of body, if mounted):
	Gasoline (new):
790553	Commercial, front and rear axle drive, or multiple rear axle drive.
790557	Military, front and rear axle drive, or multiple rear axle drive.
	Diesel and semi-Diesel (new):
790563	Commercial, front aud rear axle drive, or multiple rear axle drive.
790567	Military, front aud rear axle drive, or multiple rear axle drive.
	Passenger cars and chassis (new):
790763	Nonmilitary, front and rear axle drive only.
	Special-purpose vehicles, n. e. c.:
	Maintenance and repair trucks (new):
791103	Commercial, front and rear axle drive, or multiple rear axle drive.
791107	Military, front and rear axle drive, or multiple rear axle drive.
791137	Special-purpose commercial vehicles, n. e. c. (new), front and rear axle drive or multiple rear axle drive.
791140	Special-purpose military vehicles, n. e. c. (new), front and rear axle drive, or multiple rear axle drive, except armored vehicles.

This part of the amendment shall become effective as of February 5, 1953.

Shipments of any commodities removed from general license to Country Group R or to Country Group O destinations or whose GLV dollar-value limits are reduced as a result of changes set forth in Parts 1, 3, and 4 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., February 12, 1953, may be exported under the previous general license provisions up to and including March 7, 1953. Any such shipment not laden aboard the exporting carrier on or before March 7, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-1425; Filed, Feb. 13, 1953; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

PART 34—CLASSIFICATION AND RATES OF POSTAGE

MISCELLANEOUS AMENDMENTS

a. In § 1.26 *Post route maps* amend the table of maps in paragraph (c) to read as follows:

POST ROUTE MAPS

Title	Scale (miles to the inch)	Sheet size (to nearest inch) width and length	Price of map
Alabama	8	34 x 49	$1.90
Alaska	40	51 x 34	1.90
Arizona	12	32 x 40	1.90
Arkansas	9	35 x 40	1.90
California-Nevada (1 map)	12	51 x 67	3.80
Colorado	10	51 x 37	1.90
Connecticut (see Massachusetts)			
Delaware (see Maryland)			
District of Columbia (see Maryland)			
Florida	10	35 x 49	1.90
Georgia	8	37 x 45	1.90
Guam (see Hawaii)			
Hawaii-Samoan Islands-Guam (1 map)	9	44 x 30	1.90
Idaho	12	34 x 46	1.90
Illinois	8	35 x 51	1.90
Indiana	7	30 x 44	1.90
Iowa	7	52 x 35	1.90
Kansas	10	52 x 30	1.90
Kentucky	7	35 x 48	1.90
Louisiana	9	39 x 34	1.90
Maine	6.5	36 x 51	1.90
Maryland-Delaware-District of Columbia (1 map)	5	51 x 35	1.90
Massachusetts-Rhode Island-Connecticut (1 map)	5	44 x 36	1.90
Michigan	9	36 x 52	1.90
Minnesota	10	36 x 45	1.90
Mississippi	8	33 x 48	1.90
Missouri	9	47 x 36	1.90
Montana	12	52 x 33	1.90
Nebraska	10	52 x 29	1.90
Nevada (see California)			
New Hampshire-Vermont (1 map)	5	34 x 43	1.90
New Jersey	4	31 x 48	1.90
New Mexico	12	33 x 39	1.90
New York	6.5	55 x 51	3.80

POST ROUTE MAPS—Continued

Title	Scale (miles to the inch)	Sheet size (to nearest inch) width and length	Price of map
North Carolina	8	50 x 35	1.90
North Dakota	10	43 x 31	1.90
Ohio	7	36 x 46	1.90
Oklahoma	10	36 x 41	1.90
Oregon	10	43 x 34	1.90
Pennsylvania	5	71 x 41	3.80
Puerto Rico-Virgin Islands (1 map)	5	49 x 22	1.90
Rhode Island (see Massachusetts)			
Samoan Islands (see Hawaii)			
South Carolina	8	41 x 33	1.90
South Dakota	10	43 x 32	1.90
Tennessee	8	33 x 37	1.90
Texas	12	68 x 52	3.80
Utah	10	31 x 42	1.90
Vermont (see New Hampshire)			
Virginia	7	51 x 33	1.90
Virgin Islands (see Puerto Rico)			
Washington	9	45 x 34	1.90
West Virginia	6	49 x 34	1.90
Wisconsin	9	36 x 42	1.90
Wyoming	12	42 x 30	1.90

b. Amend § 1.32 *Prices* to read as follows:

§ 1.32 *Prices.* Rural delivery maps: County maps, 55 cents per copy; local maps, 45 cents per copy.

NOTE: All maps are folded for mailing unless unfolded maps are requested.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, 65 Stat. 40; 5 U. S. C. 22, 369, 39 U. S. C. 805)

c. In § 34.88 *Postage rates for air parcel post* amend paragraph (b) (4) by adding the following note:

NOTE: See § 34.95 (a) (5) for the reduction in the limit of size to 30 inches in length and girth combined and the limit of weight to 2 pounds for air parcel post addressed for delivery to military addresses overseas. These limitations are applicable to air parcel post, other than official, addressed to A. P. O.'s in care of the postmasters at New York, San Francisco, Seattle, and New Orleans; and to Navy and Marine Corps units, including ships, addressed in care of the Fleet Post Offices at New York and San Francisco.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] C. R. HOOK, Jr.,
Acting Postmaster General.

[F. R. Doc. 53-1470; Filed, Feb. 13, 1953; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN

In § 127.286 *Japan* (18 F. R. 78), amend subdivision (ii) (*b*) of paragraph (b) (4) by inserting the following sentence immediately preceding the last sentence: "In addition, it is understood that, as a concession, food and clothing are exempt from duty up to a value of about $10.00."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] C. R. HOOK, Jr.,
Acting Postmaster General.

[F. R. Doc. 53-1469; Filed, Feb. 13, 1953; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 27, Revised]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Effective January 1, 1953, §§ 281.2 and 281.3 (U. S. M. C. General Order 27, as amended, 3 F. R. 2144, 5 F. R. 3644, 4319) are hereby rescinded and §§ 281.2 to 281.6, inclusive, are added to Part 281 as follows:

§ 281.2 *Definitions.* As used in §§ 281.2 to 281.6, except as otherwise indicated by the context:

(a) The term "period of idleness" means any period between voyages during which the vessel is not being worked;

(b) The term "lay-up period" means that part of the period of idleness occurring in a continental United States port in excess of ten days, continuing until the commencement of the next voyage or until the vessel shall be temporarily or permanently withdrawn from subsidized service pursuant to the determination by the Maritime Administrator;

(c) The term "Administrator" means Maritime Administrator;

(d) The term "Coast Director" means the Coast Director of the Maritime Administration having jurisdiction over the port or ports involved;

(e) The word "operator" means an operator receiving operating-differential subsidy for the voyage involved under Title VI of the Merchant Marine Act, 1936, as amended.

§ 281.3 *Method of commencing and terminating voyages and of determining lay-up periods*—(a) *Voyage commencements.* Voyages shall commence as of 12:01 a. m. of the day that loading of cargo, stores, or fuel begins, or as of 12:01 a. m. of the day following the termination of the prior voyage or, in the event that a period of idleness in excess of ten days follows a voyage termination, as of 12:01 a. m. of the day on which such lay-up period ends.

(b) *Voyage terminations.* Voyages shall terminate at the last United States port of call at midnight of the day of the completion of the paying off of the crew from foreign articles, or upon the completion of the final discharge of cargo or ballast at the last United States port of discharge, or upon the completion of voyage repairs, whichever event occurs last: *Provided, however,* That if a vessel sails outward on a new voyage prior to midnight of the same day, the inward voyage shall terminate as of midnight of that day, and the outward voyage shall commence as of 12:01 a. m. of the succeeding day; and that where a portion of any particular voyage overlaps a portion of the next succeeding voyage and the quantity of inward cargo remaining aboard at the port at which major cargo activities for the outward voyage are begun does not, in the opinion of the

operator, justify extension of the inward voyage beyond that port, the operator shall immediately request the Coast Director for permission to treat the inward voyage as having terminated at midnight of the day specified in such request and shall advise the Coast Director what cargo has been and is still to be discharged and loaded at each port of the inward voyage; and that where, in the opinion of the operator, voyages as a general practice should terminate at the home or terminal port, rather than at the last inward port of discharge, application for such termination may be made to the Coast Director, and in such cases the voyage termination date shall be as approved by the Coast Director. The Coast Director shall advise the operator promptly if he disapproves the operator's request, and, in the event of such disapproval, the Coast Director's decision as to such termination shall prevail: *Provided,* That all terminations shall be as of midnight of the day specified.

(c) *Periods of idleness.* In the event that a period of idleness, in excess of ten days, should immediately follow the termination of a voyage, the first ten days of such period of idleness shall be included in the preceding voyage and the date of termination thereof adjusted accordingly. If a vessel which has been idle commences loading cargo, stores, or fuel prior to the eleventh day of such idleness, the commencement of the new voyage shall be antedated to coincide with the termination of the preceding voyage.

(d) *Lay-up period.* A separate accounting period shall be created to cover each lay-up period.

§ 281.4 *Treatment of subsidy during period of idleness and lay-up period.* During a lay-up period, subsidy shall be payable only for such subsidizable items of expense as are determined by the Administrator, after presentation by the operator of the facts relating to such lay-up period, to be necessary for the maintenance, preservation, repair, or husbanding of the vessel during and under the circumstances of such lay-up: *Provided, however,* That nothing herein shall limit any other rights of the United States with respect to the payment or non-payment of subsidy; and that no subsidy shall be paid for any item of expense allocable to any period of idleness or lay-up period occurring during the transfer back to subsidized operations in the case of a vessel which has been temporarily withdrawn from subsidized operations and subsequently reinstated therein.

§ 281.5 *Right of Administrator to recover subsidy for any period of idleness.* The Administrator may, prior to payment of subsidy for any voucher period which includes a period of idleness, require the operator to establish to the satisfaction of the Administrator that such period of idleness could not have been prevented in whole or in part through the most efficient and economical operation. The Administrator may recover any payment of subsidy for any item of expense allocable to such period of idleness which in the opinion of the Administrator could have been avoided by efficient and economical operation.

§ 281.6 *Interpretation.* All questions of interpretation arising under the sections of this part shall be submitted to the Administrator for determination, whose decision thereon shall be final.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 606, 49 Stat. 2004, as amended; 46 U. S. C. 1176)

Dated: February 10, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.
A. W. GATOV,
Maritime Administrator.

[F. R. Doc. 53-1548; Filed, Feb. 13, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 924]

[Docket No. AO-225-A3]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Park-Shelton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., February 20, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendment hereinafter set forth, or appropriate modifications thereof. This proposed amendment has not received the approval of the Secretary of Agriculture.

An amendment to the order, as amended, for the Detroit, Michigan, marketing area has been proposed on behalf of the Michigan Producers Dairy Company as follows:

Delete § 924.52 and substitute therefor the following:

§ 924.52 *Class II milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c): *Provided,* There shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler, (1) an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over the price determined pursuant to § 924.50 (b) less 9.3 cents, such excess to be multiplied by 0.18, and, (2), an amount per hundredweight of skim milk equal to such excess multiplied by 0.36.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 12th day of February 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-1543; Filed, Feb. 13, 1953; 8:57 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A-10]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Hollenden, 610 Superior, N. E., Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., February 19, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendment hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended,

regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, 975.0 et seq.). The amendment proposed has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendment, submitted jointly by the Milk Market Survey Committee and the Milk Producers' Federation of Cleveland:

Amend § 975.63 (b) by replacing the period at the end of the section with a colon and add the following: *"Provided, That during the months of April, May and June 1953, a specified allowance on Class III milk shall be established on all whole milk and/or skim milk which is transported by truck or rail from a handler's receiving plant to a manufacturing plant for manufacturing purposes; said specified transportation allowance to be commensurate with average transportation costs incident to the average costs involved in transporting milk from presently established receiving plants in the Cleveland milkshed to the nearest available milk manufacturing plants."*

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second St., Cleveland 15, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 12th day of February 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53–1547; Filed, Feb. 13, 1953; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2715]

SECRETARIAL FUNCTIONS RELATING TO WATER AND POWER DEVELOPMENT

FEBRUARY 10, 1953.

SECTION 1: Effective immediately, Fred G. Aandahl is authorized to discharge the duties and perform the functions of the Secretary in the development of water and power, and to exercise Secretarial direction of and supervision over the Bureau of Reclamation, Bonneville Power Administration, Southwestern Power Administration, and Southeastern Power Administration.

SEC. 2. Orders Nos. 2668 and 2691 are hereby revoked.

(5 U. S. C., 1946 ed., sec. 22a; Reorg. Plan No. 3 of 1950, 5 U. S. C., 1946 ed., Supp. V, sec. 133z–16)

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 53–1468; Filed, Feb. 13, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF APPLICATION

Notice is hereby given of the application of American President Lines, Ltd., seeking the written permission of the Maritime Administrator under section 805 (a), Merchant Marine Act, 1936, 46 U. S. C. 1223, for Mr. Ralph K. Davies, an officer and director of American President Lines, Ltd., or of a holding or affiliated company thereof, to own, operate or charter a vessel or vessels in the domestic intercoastal or coastwise trade, or to own any pecuniary interest, directly or indirectly, in Independent Tankships, Inc., a concern which appears to own, operate, or charter a vessel or vessels in the domestic intercoastal or coastwise trade.

Under the provisions of section 805 (a), the Maritime Administrator may not grant any such application if the Administrator finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Maritime Administrator on or before February 20, 1953, and should file petitions for leave to intervene in accordance with § 201.81 of the Federal Maritime Board/Maritime Administration's rules of procedure (12 F. R. 6076).

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: February 10, 1953.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53–1523; Filed, Feb. 13, 1953; 8:55 a. m.]

PACIFIC FAR EAST LINE, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Pacific Far East Line, Inc., seeking the written permission of the Maritime Administrator under section 805 (a), Merchant Marine Act, 1936, 46 U. S. C. 1223, for Joshua Hendy Corporation, appearing to be a holding company, subsidiary, affiliate, or associate of Pacific Far East Line, Inc., to own, operate or charter the tank vessel SS Joshua Hendy in the domestic intercoastal or coastwise trade. Permission is also sought for T. E. Cuffe, S. D. Bechtel, K. K. Bechtel, John A. McCone and Joseph M. Tescher, officers and/or directors of Pacific Far East Line, Inc., to own, operate, or charter the SS Joshua Hendy in the domestic intercoastal or coastwise trade, or to own a pecuniary interest in the Joshua Hendy Corporation.

Under the provisions of Section 805 (a), the Maritime Administrator may not grant any such application if the Administrator finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or that it will be prejudicial to the objects and policy of the Act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 805 (a) should notify the Maritime Administrator on or before February 20, 1953, and should file petitions for leave to intervene in accordance with § 201.81 of the Federal Maritime Board/Maritime Administration's rules of procedure (12 F. R. 6076).

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: February 10, 1953.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53–1524; Filed, Feb. 13, 1953; 8:56 a. m.]

Office of International Trade

[Case No. 146]

UNIVERSAL TRANSPORT CORP.

ORDER DENYING LICENSE PRIVILEGES

In the matter of Universal Transport Corporation, 15 Moore Street, New York 4, New York, respondent; Case No. 146.

This proceeding was commenced March 31, 1952, on the basis of a charging letter issued by the Director, Investigation Staff, and duly served on Universal Transport Corporation, hereinafter referred to as Universal. In the same letter, several other persons and firms, to whom reference is hereinafter made, were charged with numerous violations, only one of which was related to the charge against Universal. Upon motion of Universal, the proceeding was severed for the purpose of the hearing of the charge against it and, since the hearing,

the others have proposed that a consent order be issued against them. For that reason, the proceeding against Universal is now being severed completely and this order disposes of only the charge against it.

Universal was charged with obtaining export control documents for ineligible persons and participating in an exportation for such persons while they were under suspension from export privileges pursuant to an order theretofore issued against them.

Universal appeared herein, was represented by its attorney, demanded an oral hearing, and such hearing has been held by the Compliance Commissioner. At the hearing, evidence in support of the charge was presented, Universal was represented by counsel, it submitted oral and documentary evidence in opposition, and the case was finally submitted to the Compliance Commissioner, who has filed his report and recommendation, together with the transcript of the hearing and all documents there submitted. These, together with the charging letter, constitute the record herein.

After careful consideration of the evidence, the entire record, and the report, I hereby make the following findings of fact:

1. Universal Transport Corporation is a freight forwarder engaged in business at 15 Moore Street, in the City of New York, New York.

2. At all times hereinafter mentioned one Manfred Joel was an employee of Universal and the sole employee engaged in and who performed the acts hereinafter set forth as having been performed on its behalf.

3. On February 23, 1950, the Office of International Trade issued an order suspending Jack Koopman, Irving Wolfson, Compania Norte Americana, Berwin Trading Company, Inc., Jack Koopman Company, Inc., and all persons, firms, corporations, and business associations then or thereafter related to them in the conduct of export trade from validated export license privileges for a period of three months from that day and also revoking all export licenses in their names or held by them.

4. Universal is not and was not then or thereafter related to any of the firms or persons named in the order, nor was Jocl.

5. The order was published in the FEDERAL REGISTER of February 28, 1950.

6. Since June 1, 1949, and at the time of the making and issuance of said order, Koopman and Wolfson controlled and operated a firm known as Royal Industrial Company and any export licenses issued to it or held by it were in fact issued to and held by Koopman and Wolfson.

7. Such a license was a license issued February 21, 1950, authorizing the exportation by Royal Industrial Company of 35,000 pounds of aluminum to Manila, Philippine Islands, and, by the terms of the order of February 23, 1950, said license was revoked and should have been surrendered to the Office of International Trade.

8. Koopman and Wolfson did not surrender said license but proceeded to export under purported authority thereof about 6000 pounds of aluminum sheets in violation of the said order of suspension.

9. They engaged Universal as the freight forwarder and Universal received Wolfson's handwritten instructions for that purpose.

10. At the time of the issuance of said order and for some time prior thereto, Joel knew that Royal Industrial Company was under the control of Koopman and Wolfson and was used by them in the export trade.

11. Joel also knew on February 28, 1950, that such suspension order had been issued.

12. Having such knowledge, on that day and on the days immediately following, Joel effected the exportation of said aluminum sheets on behalf of Koopman and Wolfson in violation of said suspension order (a) by transmitting on February 28, 1950, with a letter so dated, to Southern Pacific Railroad, an export declaration and the export license for said sheets and requesting said railroad to deliver to Universal through bills of lading showing Royal as the shipper and exchangeable against ocean carrier bills of lading; (b) obtaining on that day from the Republic of the Philippines a set of consular invoices therefor; (c) arranging on that day for the receipt by Pacific Far East Line, Inc., of the said sheets aboard the SS Tradewind on arrival at San Francisco; (d) delivering line copies of the bill of lading for said sheets to Pacific Far East Line, Inc., on March 1, 1950, together with a copy of the letter written by him on behalf of Universal on February 28, 1950, to Southern Pacific Railroad; (e) on learning that the sheets could not arrive in San Francisco in time for loading on the SS Tradewind, demanding assurance on March 2, 1950, from Pacific Far East Line, Inc., that "on board" bill of lading dated March 9, 1950, would be furnished if the sheets were shipped on a later boat, the SS Pacific Bear; (f) thereafter approving such shipment on the SS Pacific Bear and on March 7, 1950, arranging with the Philippine Consulate General for the change of the name of boat on the Consular Invoice from SS Tradewind to SS Pacific Bear.

13. The export declaration which Joel had sent to Southern Pacific Railroad on February 28, 1950, was thereupon, and as a result of such action, authenticated by the United States Customs Service, at San Francisco, California, on March 7, 1950, and on the same day the export license which had been issued to Royal was filed in the same office and the aluminum sheets loaded on the SS Pacific Bear were charged against said license.

14. The said aluminum sheets were thereupon exported from the United States.

From the foregoing, I have concluded that the charge has been proven and that Universal by and through the actions of Joel obtained export control documents for Koopman and Wolfson who were ineligible to receive them and that it participated in the violation of the order of February 23, 1950, contrary to 15 CFR §§ 381.1 (b) (4) and 384.2 (a) (1) (iv), 14 F. R. 3032 and 3036, respectively.

The Compliance Commissioner, in his report, has carefully considered Joel's acts and his position in Universal and has pointed out that the prime responsibility for the violation found herein is that of Joel rather than that of the corporation. He points out that the respondent is a freight forwarder acting mainly for others, states that the principal officers of the corporation are acutely aware of the seriousness of any contravention of export control law and that effective enforcement of the act in this particular case may best be achieved by a conditional denial of export privileges for a specified period to be effective immediately upon the finding of any future violation on its part or on the part of any of its officers or employees. He has so recommended in the expectation that now and in the future the respondent's management of its affairs will assure strict compliance by all its employees, particularly Joel, with all the requirements of the law and the regulations. His recommendation is found by me to be fair and reasonable, under the particular facts of this case, is calculated to achieve effective enforcement of the law, and should be adopted.

Now, therefore, it is ordered as follows:

I. Respondent, its agents, servants, and employees are hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses, including validated and general export licenses, for the exportation of any commodity from the United States to any foreign destination, for a period of two (2) weeks, which denial shall be held in abeyance subject to and in accordance with the provisions of Part IV hereof. Such denial of export privileges is deemed to include and prohibit participation by it and them, directly or indirectly, in any manner or capacity, (a) as a party, or as a representative of a party, to any exportation under validated or general export licenses; and (b) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export licenses.

II. Such denial of export privileges, on becoming effective, shall extend not only to respondent Universal Transport Corporation but also to any person, firm, corporation, or business organization with which it may be now or hereafter related by ownership or control in the conduct of trade involving exports from the United States under validated and general export licenses, or services connected therewith.

III. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States, under validated and general export licenses, to or for the respondent, or any person, firm, corporation, or other business organization within the scope of Part II hereof during such time as Part I hereof may be in effect, without prior disclosure of such facts to, and

specific authorization from, the Office of International Trade.

IV. Parts I, II, and III hereof shall be suspended and held in abeyance upon condition that Universal Transport Corporation adhere strictly to all requirements of export control laws and regulations. In the event, however, that at any time during two (2) years from the date hereof, it or any officer or employee engaged in any export activity on its behalf shall knowingly violate any provision of export control laws or regulations, the Office of International Trade or such agency as may then be performing the functions now performed by it, at such time as it determines that such violation has occurred, may vacate summarily the portion hereof providing for the suspension and holding in abeyance of Parts I, II, and III hereof. The order of vacatur shall set forth the precise time when Parts I, II, and III hereof shall become effective and the issuance thereof shall not be a bar to nor shall the agency then having jurisdiction be thereby precluded from instituting any other and further action which it may deem appropriate and necessary by reason of the violation giving rise thereto.

Dated: February 10, 1953.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 53-1478; Filed, Feb. 13, 1953; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-269]

ACCIDENT OCCURRING NEAR FISH HAVEN, IDAHO

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry N 1648M, which occurred 8 miles west of Fish Haven, Idaho, on January 7, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on February 20, 1953, at 9:00 a. m. (local time) in the Gunter Hotel, Houston at St. Marys Street, San Antonio, Texas.

Dated at Washington, D. C., February 9, 1953.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 53-1521; Filed, Feb. 13, 1953; 8:55 a. m.]

[Docket No. 1789 et al.]

CAPITAL AIRLINES, INC.; REOPENED MILWAUKEE-CHICAGO-NEW YORK RESTRICTION CASE (CLEVELAND-NEW YORK NONSTOP SERVICE)

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the applications of Capital Airlines, Inc., for certificates of public convenience and necessity or amendment of the certificate for route No. 14.

Notice is hereby given that the above-entitled proceeding now assigned for hearing on February 18, 1953, is postponed to February 24, 1953, at 10:00 a. m., e. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Dated at Washington, D. C., February 11, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1522; Filed, Feb. 13, 1953; 8:55 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TWO PERCENT TREASURY BONDS OF 1953-55

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2 percent Treasury Bonds of 1953-55, dated October 7, 1940, due June 15, 1955, are hereby called for redemption on June 15, 1953, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

FEBRUARY 13, 1953.

[F. R. Doc. 53-1555; Filed, Feb. 13, 1953; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 51]

RACHAL FIELD, BROOKS COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude condensate produced from Rachal Field, Brooks County, Texas.

The Office of Price Stabilization has been requested to eliminate the differential heretofore imposed upon crude condensate produced from Rachal Field, Brooks County, Texas. During the base period, due to a lack of competitive factors and inadequate transportation facilities, the crude condensate produced from this field was not segregated and consequently sold at a lower price than that paid for crude condensate of comparable quality produced in the same area. This condition has now been eliminated and this differential should no longer be imposed.

From the information available to this office, it appears that the requested price of $2.80 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Rachal Field, Brooks County, Texas shall be: $2.80 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on February 11, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1461; Filed, Feb. 10, 1953; 4:46 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 49]

CERTAIN FIELDS IN LOUISIANA

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude condensate produced from the following listed Louisiana fields:

Fields and Parishes

La Pice: St. James.
Barataria: Jefferson.
Abbeville: Vermillion.
Avery Island: Iberia.
Egan: Acadia.
North Elton: Evangeline.
South Elton: Jefferson.
Hayes: Calcasieu and Jefferson.
Iowa: Calcasieu and Jefferson.
Jeanerette: St. Mary.
Jennings: Acadia.
South Jennings: Jefferson.
Lewisburg: Acadia and St. Landry.
West Mermentau: Acadia.
Welsh: Jefferson.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed on crude condensate produced from certain South Louisiana fields listed above. During the base period, due to a lack of competitive factors, curtailed production, and inadequate low cost transportation, the crude condensate produced from these fields sold at a lower price than that paid for crude condensate of comparable quality produced in the same general producing area. This condition has now been elim-

inated and this differential should no longer be imposed.

From the information available to this office, it appears that the requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the above listed Louisiana fields shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on February 11, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1459; Filed, Feb. 10, 1953; 4:46 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 50]

LOGANSPORT FIELD (PETTIT AND TRAVIS PEAK FORMATIONS), DE SOTO PARISH, LOUISIANA

CRUDE CONDENSATE CEILING PRICE ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from Logansport Field (Pettit and Travis Peak Formation), De Soto Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differential heretofore imposed upon crude condensate produced from the Logansport Field (Pettit and Travis Peak Formations), De Soto Parish, Louisiana. During the base period, due to curtailed production, a lack of competitive factors and inadequate low cost transportation facilities, the crude condensate produced from this field was not segregated and consequently sold at a lower price than that paid for crude condensate of comparable quality produced in the same area. This condition has now been eliminated and this differential should no longer be imposed.

From information available to this office, it appears that a ceiling price of $2.80 per barrel flat does not exceed the ceiling price of comparable condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Logansport Field (Pettit and Travis Peak Formations), De Soto Parish, Louisiana, shall be $2.80 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on February 11, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1460; Filed, Feb. 10, 1953; 4:46 p. m.]

[Region II, Redelegation of Authority 2, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1 (18 F. R. 336), this Amendment 1 to Redelegation of Authority No. 2, Revision 1, is hereby issued.

Redelegation of Authority No. 2, Revision 1, Amendment 1 is amended in the following respects:

A new item 2 is inserted after item 1 to read as follows:

2. *Authority to act under section 26b of CPR 15 and under section 24b of CPR 16.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This Amendment 1 to Redelegation of Authority 2, Revision 1, shall be effective February 11, 1953.

JAMES G. LYONS,
Regional Director, Region II.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1507; Filed, Feb. 11, 1953; 4:39 p. m.]

[Region V, Redelegation of Authority 25, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. V, Atlanta, Georgia, pursuant to Delegation of Authority 42, Amendment 1, (18 F.R. 269) this Amendment 1 to Redelegation of Authority No. 25 is hereby issued.

Redelegation of Authority No. 25 is amended as follows:

Section 1 is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of CPR 25. All actions in respect to sections 33 and 35 of CPR 25, taken by such offices previous to this authority, are hereby confirmed and validated.

This Amendment 1 of Redelegation of Authority No. 25 shall take effect as of January 21, 1953.

CHARLES B. CLEMENT,
Director of Regional Office V.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1508; Filed, Feb. 11, 1953; 4:39 p. m.]

[Region V, Redelegation of Authority 55, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. V, Atlanta, Georgia, pursuant to Delegation of Authority 8, Revision 1, Amendment 1 (18 F. R. 336), this Amendment 1 of Redelegation of Authority No. 55 is hereby issued.

Redelegation of Authority No. 55 is amended in the following respects:

(1) A new item or section 2 is inserted after item or section 1 to read as follows:

2. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

(2) The present item or section 2 is redesignated as item or section 3.

This Amendment 1 of Redelegation of Authority No. 55 shall take effect as of January 21, 1953.

CHARLES B. CLEMENT,
Director of Regional Office V.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1509; Filed, Feb. 11, 1953; 4:39 p. m.]

[Region VI, Redelegation of Authority 1, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1 (18 F. R. 336), this Amendment 1 to Redelegation of Authority No. 1, Revision 1 (17 F. R. 11418) is hereby issued.

Redelegation of Authority No. 1, Revision 1, is amended in the following respects:

A new item 2 is inserted after item 1 to read as follows:

2. Authority to act under section 26b of CPR 15 and section 24b of CPR 16. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This amendment shall take effect as of January 30, 1953.

SYDNEY A. HESSE,
Regional Director, Region VI.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1510; Filed, Feb. 11, 1953; 4:39 p. m.]

[Region VII, Redelegation of Authority 14, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 42, Amendment 1 (18 F. R. 269), this Redelegation of Authority No. 14, Amendment 1, is hereby issued.

Redelegation of Authority No. 14 is amended to read as follows:

1. *Authority to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of CPR 25.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of CPR 25. All actions in respect to sections 33 and 35 of CPR 25, taken by field offices previous to this authority, are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 14 shall take effect on February 11, 1953.

B. EMMET HARTNETT,
Director of Regional Office VII.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1511; Filed, Feb. 11, 1953; 4:40 p. m.]

[Region VIII, Redelegation of Authority 4, Revised, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VIII, pursuant to Amendment 1 to Delegation of Authority No. 8, Revision 1, Amendment 1, dated January 14, 1953 (18 F. R. 336), this Amendment 1 to Redelegation of Authority No. 4, Revised (17 F. R. 11419) is hereby issued.

Redelegation of Authority No. 4, Revision 1, is amended by adding a new paragraph 2 to read as follows:

2. *Authority to act under section 26b of CPR 15 and 24b of CPR 16.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Eighth Region, to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This Amendment 1 to Redelegation of Authority No. 4, Revised, shall take effect as of January 19, 1953.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1512; Filed, Feb. 11, 1953; 4:40 p. m.]

[Region IX, Redelegation of Authority 21, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IX, pursuant to the provisions of Delegation of Authority No. 42, Amendment 1, dated January 12, 1953 (18 F. R. 269), this Amendment 1 to Redelegation of Authority No. 21 (17 F. R. 458), is hereby issued.

Redelegation of Authority No. 21 is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of Ceiling Price Regulation 25.

2. All actions in respect to sections 33 and 35 of Ceiling Price Regulation 25, taken by District Offices, Region IX, previous to this authority, are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 21 shall take effect as of January 20, 1953.

M. A. BROOKS,
Regional Director, Region IX.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1514; Filed, Feb. 11, 1953; 4:40 p. m.]

[Region IX, Redelegation of Authority 22, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR ADJUSTMENT FILED BY MANUFACTURERS HAVING YEARLY SALES VOLUME OF $1,000,000 OR LESS UNDER GOR 10

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IX, pursuant to the provisions of Delegation of Authority No. 43, Revision 1, dated December 11, 1952, (17 F. R. 11251), this Revision 1 of Redelegation of Authority No. 22, (17 F. R. 458), is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to process and act upon applications for adjustments, filed by a manufacturer under General Overriding Regulation 10:

(a) Whose total net sales amounted to $1,000,000 or less for his last complete fiscal years; and

(b) Whose sales of commodities covered by this application are confined largely to the OPS Region in which his principal place of business is located; or

(c) Whose application has been specifically referred for action by the National Office.

This Revision 1 of Redelegation of Authority No. 22 shall take effect as of January 20, 1953.

M. A. BROOKS,
Regional Director, Region IX.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1515; Filed, Feb. 11, 1953; 4:40 p. m.]

[Region IX, Redelegation of Authority 45, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $1,000,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IX, pursuant to the provisions of Delegation of Authority No. 75, Amendment 1, dated December 24, 1952 (17 F. R. 11764), this Amendment 1 to Redelegation of Authority No. 45 (17 F. R. 10424) is hereby issued.

Redelegation of Authority No. 45 is amended to read as follows:

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to process in the respects indicated herein ceiling price reports or applications for new commodities filed under Ceiling Price Regulation 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $1,000,000, or by new manufacturers who do not expect their gross sales to exceed $1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of Ceiling Price Regulation 161;

(b) To issue letter orders as provided in section 6 of Ceiling Price Regulation 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of Ceiling Price Regulation 161;

(c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of Ceiling Price Regulation 161;

(d) To request additional information, as provided in section 15 of Ceiling Price Regulation 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of Ceiling Price Regulation 161.

This Amendment 1 to Redelegation of Authority No. 45 shall take effect as of January 20, 1953.

M. A. Brooks,
Regional Director, Region IX.

February 11, 1953.

[F. R. Doc. 53-1516; Filed, Feb. 11, 1953; 4:41 p. m.]

[Region IX, Redelegation of Authority 48, Revision 1]

Directors of District Offices, Region IX, Kansas City, Mo.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IX, pursuant to the provisions of Delegation of Authority No. 76, Revision 1, dated December 11, 1952 (17 F. R. 11252), this Revision 1 of Redelegation of Authority No. 48 (17 F. R. 10797), is hereby issued.

1. *Authority to act under sections 6 and 7 of the General Ceiling Price Regulation.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To act under sections 6 and 7 of the General Ceiling Price Regulation, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers, wholesalers, retailers, and suppliers of services except as follows:

1. Firms which expect to sell a substantial amount of the commodities covered by their report or application to persons located outside the OPS Region in which their principal place of business is located, or

2. Manufacturers whose total gross sales of manufactured commodities amounted to $1,000,000 or more for their last complete fiscal year, or a new manufacturer whose total gross sales of manufactured commodities are expected to reach $1,000,000 or more for their first complete fiscal year;

3. Firms who make a report or application for a group of retail sellers which have uniform ceiling prices in accordance with the provisions of section 12 of the General Ceiling Price Regulation.

(b) To act on any application or report under sections 6 and 7 of the General Ceiling Price Regulation, as amended, specifically referred for action by the National Office.

This Revision 1 of Redelegation of Authority No. 48 shall take effect as of January 20, 1953.

M. A. Brooks,
Regional Director, Region IX.

February 11, 1953.

[F. R. Doc. 53-1517; Filed, Feb. 11, 1953; 4:41 p. m.]

[Region IX, Redelegation of Authority 55]

Directors of District Offices, Region IX, Kansas City, Mo.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SUPPLEMENTARY REGULATION 3, AS AMENDED, TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IX, pursuant to the provisions of Delegation of Authority No. 87, dated December 23, 1952 (17 F. R. 11764), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions of, or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

This redelegation of authority shall take effect as of January 20, 1953.

M. A. Brooks,
Regional Director, Region IX.

February 11, 1953.

[F. R. Doc. 53-1513; Filed, Feb. 11, 1953; 4:40 p. m.]

[Region X, Redelegation of Authority 2, Revision 1, Amdt. 1]

Directors of District Offices, Region X, Dallas, Tex.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1, (18 F. R. 336), this Amendment 1 to Redelegation of Authority No. 2, Revision 1, is hereby issued.

Redelegation of Authority No. 2, Revision 1, is amended by adding paragraph 2 to read as follows:

2. *Authority to act under section 26b of CPR 15 and 24b of CPR 16.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This Amendment 1 to Redelegation of Authority No. 2, Revision 1, shall take effect as of January 26, 1953.

B. Frank White,
Director of Regional Office X.

February 11, 1953.

[F. R. Doc. 53-1518; Filed, Feb. 11, 1953; 4:41 p. m.]

[Region XI, Redelegation of Authority 25; Amdt. 1]

Directors of All District Offices, Region XI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 25, AMENDMENT 1, REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XI, pursuant to Delegation of Authority No. 42, Amendment 1, (18 F. R. 269) this Amendment 1 to Redelegation of Authority 25 is hereby issued.

Section 1 of Redelegation of Authority No. 25 is amended to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of Ceiling Price Regulation 25.

All actions in respect to sections 33 and 35 of CPR 25, taken by District Offices previous to this authority, are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority 25 shall take effect as of January 23, 1953.

Delbert M. Draper,
Regional Director, Region XI.

February 11, 1953.

[F. R. Doc. 53-1519; Filed, Feb. 11, 1953; 4:41 p. m.]

[Region XIII, Redelegation of Authority No. 2, Revision 3]

Directors of District Offices, Region XIII, Seattle, Wash.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26B OF CPR 15 AND 24B OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority 8, Revision 1, as amended (18 F. R. 336), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of

CPR 14; sections 21a, 26, 26a, 27, and 30 (b) of CPR 15; and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This redelegation of authority shall become effective as of January 28, 1953.

MURIEL MAWER,
Acting Regional Director, Region XIII.

FEBRUARY 11, 1953.

[F. R. Doc. 53-1520; Filed, Feb. 11, 1953; 4:42 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6460]

PUBLIC SERVICE CO. OF COLORADO

ORDER POSTPONING HEARING

FEBRUARY 5, 1953.

The Commission having considered the motion filed January 30, 1953, by Public Service Company of Colorado, requesting that the date of hearing upon order to show cause be vacated and that prior to such hearing the Commission hear and determine the Company's proposal of adjustment, filed the same date, orders:

(A) The proposal of adjustment be and it is hereby rejected.

(B) The hearing heretofore set for February 9, 1953, is hereby postponed pending the further order of the Commission.

Date of issuance: February 10, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1494; Filed, Feb. 13, 1953; 8:51 a. m.]

[Docket No. E-6473]

IOWA PUBLIC SERVICE CO., AND KANSAS CITY POWER & LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 9, 1953.

Take notice that on January 28, 1953, applications were filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Iowa Public Service Company (hereinafter called "Iowa"), and Kansas City Power & Light Company (hereinafter called "Kansas City"), seeking an order authorizing the sale by Kansas City and the purchase by Iowa of approximately 55 miles of 161,000 volt 3 phase transmission line to be located between the Fort Dodge substation of the Iowa-Illinois Gas and Electric Company easterly to a point approximately 6 miles north of Iowa Falls. Iowa is a corporation organized under the laws of the State of Iowa and doing business in the States of South Dakota, Nebraska and Iowa, with its principal business office at Sioux City, Iowa. Kansas City is a corporation organized under the laws of the State of Missouri and doing business in the States of Kansas, Iowa and Missouri, with its principal business office at Kansas City, Missouri. The transmission line proposed to be sold, the application states, will be constructed at a cost of approximately $990,000 and is proposed for sale at said cost; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 28th day of February 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1490; Filed, Feb. 13, 1953; 8:50 a. m.]

[Docket No. E-6474]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

FEBRUARY 10, 1953.

Take notice that on February 9, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in the States of Florida and Georgia, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of promissory notes payable on or before December 31, 1953. Promissory notes will be issued to, and participation will be had by, the banks named below in the amounts set forth as follows:

	Participation
Guaranty Trust Co. of New York	$4,675,000
The Hanover Bank	2,750,000
The Chase National Bank of the City of New York	2,250,000
Chemical Bank & Trust Co	1,500,000
Irving Trust Co	500,000
Florida National Bank at St. Petersburg	410,000
Union Trust Co., St. Petersburg	150,000
First National Bank, Orlando	125,000
First National Bank in St. Petersburg	100,000
The Bank of Clearwater	40,000
Total	12,500,000

all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of March 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1491; Filed, Feb. 13, 1953; 8:50 a. m.]

[Docket Nos. G-1012, G-1319, G-1554, G-1558-G-1560, G-1568, G-1576, G-1584, G-1655, G-1921, G-1922, G-1969, G-2077, G-2108]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 5, 1953.

In the matters of Algonquin Gas Transmission Company, Docket No. G-1319; Northeastern Gas Transmission Company, Docket No. G-1568; Texas Eastern Transmission Corporation, Docket No. G-1012; Portland Gas Light Company, Docket No. G-1554; Biddeford and Saco Gas Company, Docket No. G-1558; Gas Service, Incorporated, Docket No. G-1559; Allied New Hampshire Gas Company, Docket No. G-1560; Greenfield Gas Light Company, Docket No. G-1576; Gardner Gas Fuel and Light Company, Docket No. G-1584; Athol Gas Company, Docket No. G-1655; Blackstone Valley Gas and Electric Company, Docket No. G-2077; Tennessee Gas Transmission Company and Niagara Gas Transmission Limited, Docket No. G-1921; Tennessee Gas Transmission Company, Docket No. G-1922; Tennessee Gas Transmission Company, Docket No. G-1969; Tennessee Gas Transmission Company, Docket No. G-2108.

The Commission by order issued October 31, 1952, in Docket No. G-1319 et al., consolidated and set for hearing the following applications: (1) Algonquin Gas Transmission Company's (Algonquin) application for a certificate of public convenience and necessity authorizing the construction and operation of a natural-gas pipe-line system to serve certain New England markets in reopened Docket No. G-1319; (2) Northeastern Gas Transmission Company's (Northeastern) application for a certificate of public convenience and necessity authorizing the construction and operation of a natural-gas pipe-line system to serve the same New England markets which Algonquin in its above-mentioned application sought to serve and in addition other specified New England markets, in reopened Docket No. G-1568; (3) Texas Eastern Transmission Corporation's (Texas Eastern) application for a certificate of public convenience and necessity authorizing the construction and operation of natural-gas pipe-line facilities for the sale and delivery of natural gas to Algonquin at a point near Lambertville, New Jersey, in reopened Docket No. G-1012; and (4) the following applications of gas distributing companies in New England filed pursuant to section 7 (a) of the Natural Gas Act each for an order directing Northeastern to establish physical connection with, and to sell and deliver natural gas to, each applicant:

Portland Gas Light Company, Docket No. G-1554.

Biddeford and Saco Gas Company, Docket No. G-1558.

Gas Service, Incorporated, Docket No. G-1559.

Allied New Hampshire Gas Company, Docket No. G-1560.

Greenfield Gas Light Company, Docket No. G-1576.

Gardner Gas Fuel and Light Company, Docket No. G–1584.

Athol Gas Company, Docket No. G–1655.

Blackstone Valley Gas and Electric Company, Docket No. G–2077.

The above-mentioned Commission order set the consolidated applications for hearing on November 24, 1952; notice by the Secretary of the Commission filed November 10, 1952, in Docket No. G–1319, et al., set the hearing for November 25, 1952. Pursuant to the Secretary's notice the hearing was begun on November 25, 1952. Such hearing is presently being held before a Presiding Examiner of the Commission.

A joint application for authorization to export natural gas, Docket No. G–1921, was filed by Tennessee Gas Transmission Company (Tennessee) and Niagara Gas Transmission Limited (Niagara), pursuant to section 3 of the Natural Gas Act, on March 18, 1952, and an amendment to that application was filed by Tennessee and Niagara on June 2, 1952. The application sought authorization to export natural gas to Canada, the gas to be purchased by Niagara from producers in southwestern United States and transported by Tennessee for the account of Niagara from southwestern United States to a point of interconnection with the proposed facilities of Niagara on the international boundary north of Niagara Falls.

Tennessee filed an application for Presidential Permit in Docket No. G–1922 on March 18, 1952, in compliance with Executive Order No. 8202 and §§ 153.10 and 153.11 of the Commission's rules of practice and procedure (18 CFR 153.10 and 153.11). The requested recommendation for a Presidential Permit in this application is correlative to Tennessee's and Niagara's application described above in Docket No. G–1921.

On June 2, 1952, Tennessee filed an application, pursuant to section 7 of the Natural Gas Act, in Docket No. G–1969 for a certificate of public convenience and necessity authorizing the construction and operation of natural-gas pipeline facilities necessary to effectuate the transportation for which authorization was sought in the above-described application in Docket No. G–1921.

By Commission order issued April 2, 1952, Docket Nos. G–1921 and G–1922 were consolidated with Docket No. G–996, et al., and the consolidated dockets set for hearing June 16, 1952.

On June 17, 1952, during such consolidated hearing, counsel for Northwest Natural Gas Company, applicant in Docket No. G–996, filed a written motion to severe Docket Nos. G–1921 and G–1922; on June 20, 1952, a similar motion was filed by counsel for applicants in Docket Nos. G–1921 and G–1922.

By order issued July 2, 1952, the Commission severed Docket Nos. G–1921 and G–1922 from the consolidated Docket Nos. G–996, et al. By the same order, the Commission consolidated Docket Nos. G–1921 and G–1922 with Docket No. G–1969 for purposes of hearing, and set the hearing for a time and place to be fixed by further order of the Commission.

By Commission order issued July 17, 1952, such consolidated hearing was set for August 6, 1952; later an order issued July 29, 1952, postponing such consolidated hearing to September 15, 1952.

On September 9, 1952, the Commission issued an order further postponing such consolidated hearing until a date to be fixed by order of the Commission. In the order issued September 9, 1952, the Commission first set out the following paragraph from its order in a prior proceeding involving an application by Tennessee, Docket No. G–1573:

> It appears to be reasonable and in the public interest that for the purposes of these reopened proceedings Tennessee's incremental study of its deliverability estimates should be accepted. However, we consider it reasonable to require Tennessee, in any future proceedings on applications for certificates of public convenience and necessity involving material increase in its total system deliverability capacity, to present evidence showing a complete system deliverability study on a year-by-year basis. Tennessee has been so notified by the Commission and such notice constitutes a part of the record herein.

The Commission then stated that it had by letter requested Tennessee to submit on or before September 5, 1952, such a deliverability study along with other pertinent data. Likewise, Niagara was requested to submit certain pertinent data on or before September 1, 1952. The order stated, finally, that all of the required information had not been furnished. Nor has such information since been furnished pursuant to that letter. However, as a part of its filing in Docket No. G–2108 Tennessee has included as a proposed exhibit a Deliverability Study, showing the daily volumes of gas it estimates can and are proposed to be obtained each year from each source of supply.

On January 12, 1953, Tennessee filed an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing an increase from a maximum of 220,000 Mcf per day established in the Commission's order of June 19, 1952, in Docket No. G–1573 to 433,000 Mcf per day of the maximum authorized daily deliveries of natural gas to Northeastern, which is a wholly-owned subsidiary of Tennessee. Tennessee proposes to make the additional deliveries to Northeastern through its presently-certificated facilities. The additional quantity of natural gas proposed to be delivered to Northeastern is for the purpose of enabling Northeastern to serve those customers sought to be served in Northeastern's above-mentioned application in Docket No. G–1568.

The Commission finds:

(1) Good cause exists and it is in the public interest to consolidate all the proceedings listed in the heading hereof for purpose of hearing.

(2) Good cause exists and it is in the public interest that the hearing in Docket Nos. G–1921, G–1922, G–1969 and G–2108 commence following the termination of all direct and cross and other examination of witnesses appearing on behalf of applicants in the hearing presently being held in Docket No. G–1319 and those other dockets heretofore consolidated by order of the Commission issued October 31, 1952, in Docket No. G–1319, et al.

(3) Good cause exists and the public interest requires that Docket No. G–2108 be consolidated with the above-docketed proceedings pursuant to § 157.11 of the Commission's rules of practice and procedure.

(4) It is reasonable and in the public interest and good cause exists for fixing the date of hearing for these consolidated applications less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7, and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the proceedings in Docket Nos. G–1319, G–1568, G–1012, G–1554, G–1558, G–1559, G–1560, G–1576, G–1584, G–1655, G–2077, G–1921, G–1922, G–1969, and G–2108 be and they are hereby consolidated for purpose of hearing; hearing shall commence on February 24, 1953, at 10:00 a. m., e. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., or if examination of witnesses in the hearing presently being held, described in (2) above, is not completed, at such time and place thereafter as the Presiding Examiner shall fix.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 10, 1953.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1495; Filed, Feb. 13, 1953; 8:52 a. m.]

[Docket No. G–1630]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 9, 1953.

Notice is hereby given that on February 6, 1953, the Federal Power Commission issued its order entered February 5, 1953, amending order (17 F. R. 5972) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1471; Filed, Feb. 13, 1953; 8:46 a. m.]

[1] Chairman Buchanan's dissenting and concurring opinion filed as part of the original document.

[Docket Nos. G-1473, G-1649, G-1693, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 9, 1953.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

Notice is hereby given that on February 6, 1953, the Federal Power Commission issued its order entered February 4, 1953, amending order (17 F. R. 6287) issuing certificate of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-1472; Filed, Feb. 13, 1953; 8:46 a. m.]

[Docket No. G-1959]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF ORDER ISSUING CERTIFICATE

FEBRUARY 9, 1953.

Notice is hereby given that on February 4, 1953, the Federal Power Commission issued its order entered February 4, 1953, allowing rate schedule to take effect and amending order (17 F. R. 11675) issuing certificate in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-1473; Filed, Feb. 13, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 30-227, 54-202]

ALABAMA POWER CO. ET AL.

ORDER DECLARING THAT ALABAMA POWER COMPANY HAS CEASED TO BE A HOLDING COMPANY

FEBRUARY 9, 1953.

In the matter of Alabama Power Company, Birmingham Electric Company, and the Southern Company; File No. 54-202 and File No. 30-227.

The Commission, after public hearings held with respect thereto, adopted and published its findings and opinion and order, dated October 21, 1952 (Holding Company Act Release No. 11548), approving a plan filed under Section 11 (e) of the act for the merger of Alabama Power Company ("Alabama"), an exempt registered holding company and a public utility company, and its public utility subsidiary, Birmingham Electric Company ("Birmingham"). Alabama is a subsidiary of the Southern Company, a registered holding company. At the time of the filing of the plan, Alabama requested the Commission to find and declare, pursuant to Section 5 (d) of the act, that upon consummation of the plan Alabama would cease to be a holding company. In the aforesaid findings and opinion the Commission stated, among other things, that it would be appropriate to enter the requested order when the proposed merger had been effectuated since at such time Alabama would have no public utility company subsidiaries. The Commission has now been advised that the plan has been consummated and that pursuant thereto Birmingham was merged into Alabama. The Commission finding that Alabama has ceased to be a holding company:

It is hereby ordered and declared, Pursuant to section 5 (d) of the act, that Alabama has ceased to be a holding company and that this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1475; Filed, Feb. 13, 1953; 8:47 a. m.]

[File No. 70-2981]

SOUTHERN CO., AND GEORGIA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT COMPANY

FEBRUARY 9, 1953.

The Southern Company ("Southern"), a registered holding company and its subsidiary company, Georgia Power Company ("Georgia Power"), a public utility company, having filed with this Commission an application-declaration and an amendment thereto, pursuant to sections 6, 7, 9 (a), 10 and 12 (f) of the act and Rules U-23 and U-43 promulgated thereunder, with respect to certain transactions which are summarized as follows:

Georgia Power has an authorized common stock of 5,000,000 shares, no par value. There are 4,796,000 of such shares outstanding, all of which are owned by Southern. Georgia Power proposes to issue and sell to its parent an additional 338,000 shares of common stock for a cash consideration of $6,000,000 of which $3,500,000 is to be received for 197,166 shares to be sold in February 1953. The balance of 140,834 shares is to be sold for $2,500,000 in March 1953, after appropriate action has been taken by the Board of Directors and the stockholders of Georgia Power to increase the authorized number of shares of common stock from 5,000,000 shares to 7,500,000 shares. The price per share for the 338,000 shares is slightly in excess of the book value per share of the issued and outstanding common stock as of November 30, 1952.

It is stated that the proceeds from the sale of such shares will be used by Georgia Power to finance improvements, extensions and additions to its utility plant.

The Georgia Public Service Commission has approved the proposed issuance and sale of 204,000 shares of common stock which are now authorized but are still unissued and has also approved the issuance and sale of 134,000 additional shares on condition that Georgia Power's stockholders adopt an appropriate amendment to the company's charter.

The application-declaration, as amended, states that no other state commission or Federal Commisison, other than this Commission, has jurisdiction over the proposed transactions.

The application-declaration, as amended, further states that the expenses to be incurred in connection with the proposed transactions are estimated at $10,850, including counsel fees of $500.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the application-declaration, having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith, subject to the conditions specified herein:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, on condition that appropriate corporate action be taken by Georgia Power to increase its authorized common stock by at least 134,000 shares prior to the issuance of 140,834 shares in March 1953, as proposed, and also subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1476; Filed, Feb. 13, 1953; 8:47 a. m.]

[File No. 70-2989]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING OF PROPOSED NOTE ISSUES

FEBRUARY 9, 1953.

In the matter of Amesbury Electric Light Company, Attleboro Steam and Electric Company, Gloucester Electric Company, Northampton Electric Lighting Company, Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Weymouth Light and Power Company; File No. 70-2989.

Notice is hereby given that declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by the above named companies, hereinafter individually referred to as "Amesbury", "Attleboro", "Gloucester Electric", "Northampton Electric", "Northern Berkshire", "Quincy" and "Weymouth" and collectively referred to as the "borrowing companies", all public-utility subsidiary companies of New England Electric System ("NEES"), a registered

holding company. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to banks, from time to time but not later than June 30, 1953, unsecured six-months promissory notes in the maximum aggregate principal amount of $5,660,000. Each of the proposed notes will be due six months after the respective date thereof and each will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, the borrowing company will file an amendment to its declaration setting forth therein, at least five days prior to the issuance of said note or notes, the name of the bank or banks, the terms of the note or notes, and the rate of interest. Each of the borrowing companies requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

The following table shows the amount of promissory notes proposed to be issued to banks prior to June 30, 1953, by each of the borrowing companies and the use of the proceeds derived from such notes.

Company	Notes proposed to be issued prior to June 30, 1953	Use of proceeds	
		Payment of notes payable to NEES	Construction or reimbursement therefor
Amesbury	$515,000	$495,000	$20,000
Attleboro	555,000	495,000	60,000
Gloucester Electric	805,000	730,000	75,000
Northampton Electric	325,000	175,000	150,000
Northern Berkshire	1,230,000	1,130,000	100,000
Quincy	1,180,000	930,000	250,000
Weymouth	1,050,000	850,000	200,000
Total	5,660,000	4,805,000	855,000

Each of the borrowing companies states that the proceeds from any permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declarations state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for each of the borrowing companies or an aggregate of $1,400. The declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 25, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1477; Filed, Feb. 13, 1953; 8:47 a. m.]

[File No. 70-2996]

POTOMAC EDISON CO. AND POTOMAC LIGHT AND POWER CO.

NOTICE OF FILING REGARDING SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

FEBRUARY 10, 1953.

Notice is hereby given that a joint application-declaration has been filed with this Commission by The Potomac Edison Company ("Potomac Edison"), a registered holding company and public utility subsidiary of The West Penn Electric Company, also a registered holding company, and by Potomac Light and Power Company ("Potomac Light"), a public utility subsidiary of Potomac Edison. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Potomac Light proposes to issue 10,900 shares of its authorized and unissued common stock, having a par value of $100 per share, and to sell such shares to Potomac Edison for a cash consideration of $1,090,000. Potomac Edison owns all of the outstanding common stock of Potomac Light which stock is presently pledged under the indenture securing Potomac Edison's outstanding first mortgage bonds. The 10,900 shares of common stock which are to be issued and sold by Potomac Light will be acquired from time to time as necessary prior to December 31, 1953 and will be pledged by Potomac Edison under its indenture. The price to be paid is based upon the par value of such shares. It is stated the proceeds from the sale will be used for the construction of property additions and improvements. The proposed transactions are subject to the jurisdiction of the Public Service Commission of Maryland and the Public Service Commission of West Virginia and the expenses to be incurred in connection therewith, consisting chiefly of United States documentary stamps and miscellaneous expenses, are estimated at less than $1,600.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than February 26, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 26, 1953, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1474; Filed, Feb. 13, 1953; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27784]

FERTILIZER AND RELATED ARTICLES FROM POINTS IN ARKANSAS, LOUISIANA, AND TEXAS, TO STONEY CREEK, VA.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fertilizer and related articles, carloads.

From: Points in Arkansas, Louisiana (west of the Mississippi River), and Texas.

To: Stoney Creek, Va.

Grounds for relief: Rail competition, circuitous routes, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1479; Filed, Feb. 13, 1953; 8:48 a. m.]

[4th Sec. Application 27785]

HYDROL FROM CORPUS CHRISTI, TEX., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Hydrol (sorghum sugar final molasses), in tank-car loads.

From: Corpus Christi, Tex.

To: Louisville, Ky.

Grounds for relief: Rail and market competition and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 199.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1480; Filed Feb. 13, 1953; 8:48 a. m.]

[4th Sec. Application 27786]

STOVES AND RANGES FROM NASHVILLE, TENN., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Stoves and ranges and related articles, carloads.

From: Nashville, Tenn.

To: New Orleans, La., and points within the switching limits of New Orleans, for export.

Grounds for relief: Rail competition, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1481; Filed, Feb. 13, 1953; 8:48 a. m.]

[4th Sec. Application 27787]

PAPER BOXES FROM WEST MONROE, LA., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4027.

Commodities involved: Paper boxes, carloads.

From: West Monroe, La.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4027, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1482; Filed, Feb. 13, 1953; 8:48 a. m.]

[4th Sec. Application 27788]

GRAIN FROM CHICAGO, JOLIET, AND LOCKPORT, ILL., TO ARKANSAS AND MISSOURI

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, also seeds, carloads.

From: Chicago, Joliet, and Lockport, Ill.

To: Points in Arkansas and Missouri.

Grounds for relief: Rail competition, circuitous routes, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3939, Supp. 26; StL-SF Ry. I. C. C. No. A–313, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1483; Filed, Feb. 13, 1953; 8:48 a. m.]

[4th Sec. Application 27789]

ANHYDROUS AMMONIA FROM THE SOUTHWEST, TO LYNCHBURG, NORFOLK, AND RICHMOND, VA.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, carloads.

From: Southwestern producing points.

To: Lynchburg, Norfolk, and Richmand, Va.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 106.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1484; Filed, Feb. 13, 1953; 8:49 a. m.]

[4th Sec. Application 27790]

FORMALDEHYDE FROM TALLANT, OKLA. AND BISHOP, TEX., TO SOUTHWESTERN AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Formaldehyde, dry, carloads.

From: Tallant, Okla., and Bishop, Tex.

To: Points in southwestern and western trunk-line territories.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3880, Supp. 33; F. C. Kratzmeir, Agent, I. C. C. No. 3919, Supp. 147; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 200; F. C. Kratzmeir, Agent, I. C. C. No. 4040, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1485; Filed, Feb. 13, 1953; 8:49 a. m.]

[4th Sec. Application 27791]

SCRAP IRON FROM AUGUSTA, GA., TO POINTS IN ALABAMA

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Scrap iron or steel, carloads.

From: Augusta, Ga.

To: Specified points in Alabama.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 193.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1486; Filed, Feb. 13, 1953; 8:49 a. m.]

[4th Sec. Application 27792]

PIG IRON FROM NORTH TONAWANDA, N. Y., TO WORCESTER, MASS.

APPLICATION FOR RELIEF

FEBRUARY 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to fourth-section application No. 25515.

Commodities involved: Pig iron, carloads.

From: North Tonawanda, N. Y.

To: Worcester, Mass.

Grounds for relief: Rail competition, water-rail competition, circuitous routes, and additional origin.

Schedules filed containing proposed rates; Erie RR. I. C. C. No. 20891, Supp. 4; Lehigh Valley RR. I. C. C. No. C-9292, Supp. 12; N. Y. C. RR. I. C. C. No. 17045, Supp. 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1487; Filed, Feb. 13, 1953; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19167]

PAULA MAUCHER

In re: Bank account owned by Paula Maucher. F-28-32056-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Paula Maucher, whose last known address is 14b Eberhardzell, Post Biberach, Wurtemberg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1,

1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Hudson County National Bank, 95 River Street, Hoboken, New Jersey, arising out of a Savings Account numbered 40622, entitled Paula Maucher, maintained with the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Maucher, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1450; Filed, Feb. 12, 1953; 8:47 a. m.]

[Vesting Order 19166]

NAAMLOOZE VENNOOTSCHAP ALGEMEEN HOLLANDSCH TRUSTKANTOOR

In re: Portion of account maintained in the name of Naamlooze Vennootschap Algemeen Hollandsch Trustkantoor, Amsterdam, Holland, and owned by persons whose names are unknown. D-49-570.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the amount of $4,089.61 as of May 28, 1952, being a portion of funds on deposit in an account entitled Naamlooze Vennootschap Algemeen Hollandsch Trustkantoor, Amsterdam, Holland, as described by the Bank of the Manhattan Company in its License Application No. NY 872056 on Form OAP-200 dated April 2, 1952, bearing its Serial No. 30615 and its letter dated May 28, 1952, supplementing the aforesaid License Application, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is and prior to January 1, 1947, was property within the United States;

2. That the property described in subparagraph 1 hereof is and prior to January 1, 1947, was owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are and prior to January 1, 1947, were nationals of a designated enemy country;

and it is hereby determined:

4. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1449; Filed, Feb. 12, 1953; 8:47 a. m.]

[Vesting Order 19168]

KATIE FLEUCHAUS

In re: Estate of Katie Fleuchaus, deceased. File No. D-28-13150; E & T No. 17255.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Joseph Kungel, a/k/a Ignaz Kungel, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Katie Fleuchaus, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by August P. Fogler, Jr., Executor, acting under the judicial supervision of the Surrogate's Court of Passaic County, New Jersey.

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1503; Filed, Feb. 13, 1953; 8:54 a. m.]

[Vesting Order 19171]

HENRY BUTTMANN

In re: Stock owned by Henry Buttmann, also known as Heinrich Buttmann and as Henry Buttman. F-28-828.

Under the authority of the Trading With the Enemy Act, as amended (50

U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Henry Buttmann, also known as Heinrich Buttmann and as Henry Buttman, whose last known address is Elmshorn, Holstein, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) scrip certificate for 50/100ths of a share of $50.00 par value preferred capital stock of Consumers Company of Illinois (now Consumers Company), 228 North La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered SP 927, presently in the custody of the Attorney General of the United States, in safekeeping account No. 28–200,458, and owned by Henry Buttmann, also known as Heinrich Buttmann and as Henry Buttman, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Buttmann, also known as Heinrich Buttmann and as Henry Buttman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1506; Filed, Feb. 13, 1953; 8:55 a. m.]

[Vesting Order 19170]

BERKENHOFF & DREBES, A. G.

In re: Debt owing to Berkenhoff & Drebes, A. G. F–28–31697–C–1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Berkenhoff & Drebes, A. G., the last known address of which is Herborn Dillkreis, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Ludwig Hertlein, 20 Dale Carnegie Court, Lake Success, Long Island, New York, in the amount of $2,520.00 as of December 31, 1945, arising out of the sale of two wire drawing machines, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Berkenhoff & Drebes, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1505; Filed, Feb. 13, 1953; 8:55 a. m.]

[Vesting Order 19172]

ERNEST LUDWIG MARX

In re: Debt owing to Ernest Ludwig Marx, also known as Ernesto Lodovico Marx. F–28–27321–A–1, F–28–27876–A–1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ernest Ludwig Marx, also known as Ernesto Lodovico Marx, whose last known address is Budenheim, On-the-Rhine, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Swiss American Corporation, 25 Pine Street, New York, New York, in the amount of $31.87 as of June 30, 1949, being a portion of funds on deposit in a Credit Suisse, Lugano, General Ruling "A" account, maintained at the aforesaid corporation, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernest Ludwig Marx, also known as Ernesto Lodovico Marx, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53–1447; Filed, Feb. 13, 1953; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 32

Washington, Tuesday, February 17, 1953

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 6]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

LOCATION OF COUNTY OFFICES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as amended (14 F. R. 5916, 15 F. R. 4262, 16 F. R. 6998, 17 F. R. 5057, 17 F. R. 5689, 17 F. R. 9687), are hereby amended by revising § 713.33, and the section is revised to read:

§ 713.33 *Location.* The office of the county committee shall be located in a place selected by the county committee, subject to the approval of the State Committee. In selecting the location of the county office, consideration shall be given to convenience to farmers, accessibility to other Federal, State and county agricultural agencies, adequacy of space and economy of operations.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d)

Done at Washington, D. C., this 12th day of February 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–1564; Filed Feb. 16, 1953; 8:52 a. m.]

[1023 (Cigar-Leaf-53)–3, Amdt. 2]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND CIGAR-BINDER TOBACCO

MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR; TIME FOR FILING APPLICATION

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 723.424 of the Cigar-filler and Binder tobacco marketing quota regulations, 1953–54 marketing year, to extend to March 14, 1953, the date for filing applications for new farm allotments. Prior to the adoption of this amendment, notice was given (18 F. R. 632) that the Secretary was considering amending the regulations in line with this amendment and that any interested person might express his views in writing in respect thereto. The data, views, and recommendations received pursuant to the notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

The Cigar-filler and Binder Tobacco Marketing Quota Regulations, 1953–54 Marketing Year, are amended by changing § 723.424 to read as follows:

§ 723.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee no later than March 14, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 12th day of February 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53–1568; Filed, Feb. 16, 1953; 8:52 a. m.]

CONTENTS

	Page
Agriculture Department	
See also Production and Marketing Administration.	
Notices:	
Nebraska; sale of mineral interests; revised area designation	940
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Peters, Louis	946
Rudnai, David	946
Rukser, Eduard Udo Gustav	946
Wagner, Juliane	945
Civil Aeronautics Administration	
Rules and regulations:	
Alterations:	
Danger areas	931
Designation of civil airways	929
Designation of control areas, control zones, and reporting points	930
Civil Aeronautics Board	
Rules and regulations:	
Irregular air carriers and off-route rules; special civil air regulation; application of transport category performance requirements to C–46 type airplane	927
Commerce Department	
See Civil Aeronautics Administration; International Trade, Office of; National Production Authority.	
Customs Bureau	
Rules and regulations:	
Articles conditionally free, subject to a reduced rate, etc.; baggage of, and importations for, certain representatives of the United Nations, of specialized agencies of the United Nations, and of the Organization of American States	932
Defense Department	
Notification to the Department and General Services Administration of placement of procurement in Pottsville, Pa., area (*see* Defense Mobilization, Office of).	

FEDERAL REGISTER

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Previously announced: Title 18 ($0.35)

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CONTENTS—Continued

Defense Mobilization, Office of Page
Notices:
Placement of procurement in the Pottsville, Pa., area; notification to Department of Defense and General Services Administration ---------- 944

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission
Notices:
Hearing procedures; changes to speed action on competing applications---------- 942
Rules and regulations:
Practice and procedure; miscellaneous amendments----- 938
Radio broadcast services; licensed operator requirements of certain standard and FM broadcasting stations and for remote control operation of such stations; correction---- 939

Federal Power Commission
Notices:
Ohio Fuel Gas Co.; notice of findings and order---------- 943

Federal Trade Commission Page
Rules and regulations:
Benjamin B. Cole, Inc., et al.; cease and desist order------ 931

General Services Administration
Notification to the Department of Defense and the Administration of placement of procurement in Pottsville, Pa., area (*see* Defense Mobilization, Office of).
Notices:
Finns Point Range Rear Light Station, Salem County, N. J.; transfer of property to Secretary of the Interior-------- 943

Housing and Home Finance Agency
See Public Housing Administration.

Indian Affairs Bureau
Proposed rule making:
Operation and maintenance charges for certain Indian Irrigation Projects in Arizona:
Colorado River---------- 939
Salt River---------- 939

Interior Department
See Indian Affairs Bureau; Land Management, Bureau of.
Transfer of property at Finns Point Range Rear Light Station, Salem County, N. J., to Secretary (*see* General Services Administration).

Internal Revenue Bureau
Rules and regulations:
Excess profits tax; taxable years ending after June 30, 1950; transition from war production and increase in peacetime capacity---------- 933

International Trade, Office of
Notices:
Martin Enterprises; order revoking and denying license privilege---------- 940

Interstate Commerce Commission
Notices:
Applications for relief:
Coal from Western Kentucky mines to Lawrence Siding, S. Dak---------- 944
Commodities between points in Texas---------- 944
Motor-rail-motor rates between Springfield, Mass., and Harlem River, N. Y---- 945
Vermiculite from High Point, N. C., to points in southern territory ---------- 945
Woodpulp from points in southern territory to Clarence Centre, N. Y--------- 945

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
Timber; free use of timber on public lands in Alaska------- 937

National Production Authority Page
Rules and regulations:
Brass mill products, distribution to distributors (M–82)------ 935

Price Stabilization, Office of
Rules and regulations:
Exemptions of certain fuel products; petroleum in the Territories and Possessions (GOR 12)---------- 934
Nickel products, primary; adjustment of ceiling prices (GCPR, SR 33)---------- 934
Rail and used track accessories, relaying; extension of effective date (CPR 186)-------- 934

Production and Marketing Administration
Rules and regulations:
County and Community Committees; selection and functions of Production and Marketing Administration Committees; location of County Offices---------- 925
Oranges, grapefruit, and tangerines grown in Florida; limitation of shipments-------- 927
Tobacco, cigar-filler and binder; marketing quota regulations, 1953–54 marketing year; time for filing application-------- 925

Public Housing Administration
Notices:
Central Office; organization and final delegations of authority---------- 943

Rent Stabilization, Office of
Rules and regulations:
Specific provisions relating to individual defense-rental areas or portions thereof; rooms in Cook County, Ill--- 937

Securities and Exchange Commission
Notices:
Long Island Lighting Co. et al.; supplemental order approving and directing payment of fees and expenses---------- 944

Selective Service System
Rules and regulations:
Registration procedures; accomplishment of registration- 933

Tariff Commission
Notices:
Investigations:
Enco Sales Corp---------- 943
Mustard seeds---------- 943

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries---------- 941
Puerto Rico: Special Industry Committee No. 13; resignation of member; appointment of new member---------- 941

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter VII:	
Part 713	925
Part 723	925
Chapter IX:	
Part 933	927
Title 14	
Chapter I:	
Part 42	927
Chapter II:	
Part 600	929
Part 601	930
Part 608	931
Title 16	
Chapter I:	
Part 3	931
Title 19	
Chapter I:	
Part 10	932
Title 25	
Chapter I:	
Part 130 (proposed) (2 documents)	939
Title 26	
Chapter I:	
Part 40	933
Title 32	
Chapter XVI:	
Part 1613	933
Title 32A	
Chapter III (OPS):	
CPR 186	934
GCPR, SR 33	934
GOR 12	934
Chapter VI (NPA):	
M-82	935
Chapter XXI (ORS):	
RR 2	937
Title 43	
Chapter I:	
Part 79	937
Title 47	
Chapter I:	
Part 1	938
Part 3	939

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 231]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.617 *Orange Regulation 231*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 23, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 23, 1953; the recommendation and supporting information for continued regulation subsequent to February 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 23, 1953, and ending at 12:01 a. m., e. s. t., March 2, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this chapter; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1567; Filed, Feb. 16, 1953; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-391]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C-46 TYPE AIRPLANE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of February 1953.

On January 31, 1952, the Civil Aeronautics Board issued an emergency Special Civil Air Regulation (SR 379) which limited to 45,000 pounds the maximum take-off and landing weight for all C-46 type airplanes used for the carriage of passengers for remuneration or hire. Concurrently the Board issued a notice of proposed rule making to inquire into the advisability and feasibility of applying performance requirements to C-46 type airplanes used for such purpose based on a modification of the transport category performance requirements set forth in Part 4b of the Civil Air Regulations. Previously, on July 6, 1951, the Board had issued a notice of proposed rule making which had proposed a somewhat different modification of the standards applicable to the C-46 when so used. It was at that time proposed that the maximum take-off weight should not be in excess of that which would allow a zero rate of climb at sea level in take-off configuration with the landing gear retracted and the critical engine inoperative and its propeller windmilling. Following the issuance of this proposed rule and after requests by various interested parties, the Board instituted and set down for hearing an inquiry into matters relating to the safe allowable operating weight of C-46 airplanes (Docket No. 5107). The examiner's report in this proceeding was issued on January 22, 1952. Oral argument with respect to issues in that proceeding and those raised by the January 31, 1952 notice of proposed rule making was heard by the Board on March 27, 1952.

These various steps with respect to the C-46 arose out of continuing Board concern with the safety operational aspects of the C-46. In August 1950, a committee composed of CAA and CAB staff members was formed to study C-46 safety problems. One of the recommen-

dations of this committee was that flight tests using Part 4b test procedures be conducted to determine at what weight the C–46 would comply with the performance provisions of Part 4b.

Flight tests for this purpose were conducted by the CAA early in 1951. In addition to determining the weight at which the C–46 would meet the performance requirements of Part 4b, the CAA used the data thus developed to reevaluate the performance of the C–46 with respect to the requirements of Part 3 of the Civil Air Regulations under which it was originally certificated. Subsequently, on July 6, 1951, the Board proposed the application to the C–46 of a new standard of a zero rate of climb at sea level with the critical engine inoperative, to become effective after October 1, 1952. Data resulting from the flight tests conducted by the CAA indicated that the weight at which such new standard would be met would not exceed 43,500 pounds for C–46 aircraft equipped with Pratt & Whitney R–2800 series engines. The Board also proposed to prescribe an interim maximum weight of 45,800 pounds for C–46 airplanes equipped with similar engines until the proposed new standard became effective.

During December 1951 and January 1952 it became increasingly apparent, as a result of additional accidents involving C–46 airplanes and investigations of operations conducted by certain air carriers, that some immediate action was necessary in order to give full protection to the traveling public. Therefore, Special Civil Air regulation SR–379 was adopted by the Board as an emergency measure to limit the weight at which C–46 aircraft might be operated while carrying passengers for hire. The concurrent notice of proposed rule making proposed that the standard to be made applicable to the C–46 be that of the performance requirements of Part 4b modified to the extent that the second segment of the take-off climb should assume the landing gear to be retracted but with the propeller of the inoperative engine feathered rather than windmilling. The maximum emergency weight of 45,000 pounds, as set forth in Special Civil Air Regulation SR–379, was based on the standard proposed in the concurrent notice of proposed rule making and was chosen as a good approximation for the purposes of the emergency regulation.

The Civil Air Regulations provide at the present time that all large airplanes used for the carriage of passengers for hire after December 31, 1953, must comply with either the requirements of Part 4b or the transport category requirements of Part 4a, and further must be operated in accordance with transport category operating limitations. The Board has had under consideration for some time a proposal which would eliminate this requirement, thus making it inapplicable to the C–46, among other aircraft.

As a result of the developments outlined above, there are now pending before the Board two separate but related problems involving the C–46. These are:

First, there is the question of the permanent standards which should be made applicable to all aircraft used in air transport operations which do not comply with Part 4b or with the transport category requirements of Part 4a. While this question is one which will not be finally decided until the Board acts upon its rule-making proposal referred to above, our review of the C–46 performance capabilities has led us to the conclusion that there should be no general exemption from these requirements, particularly with respect to the take-off performance requirements at sea level. Therefore, on and after January 1, 1954, the C–46 will be required to comply in full with such take-off performance requirements, together with such additional standards of the transport category as the Board may decide are necessary in the interest of safety for nontransport category aircraft.

Second, we must decide the interim standards to be applicable to the C–46 during the period between now and January 1, 1954. Part 42 now authorizes the use of the C–46 in passenger-carrying transport operations pursuant to certification under Part 3 of the Civil Air Regulations. The applicable standards do not contain any requirements such as those found in Part 4b relating to single-engine performance on take-off. Available data indicate that the take-off weight, without any engineering changes to increase its performance, at which the C–46 could comply with the performance standards of Part 4b would be approximately 36,000 pounds at sea level. Operation of the aircraft in passenger-carrying service during the interim period prior to January 1, 1954, without complying with any requirements as to performance on take-off would represent too great a departure from the standards of safety which will become fully applicable upon that date. Therefore, in order to provide a higher level of safety during the interim period, we believe that the C–46 when engaged in passenger-carrying operations, should conform to the sea level take-off performance standards of Part 4b to as great an extent as is now reasonable. We shall therefore make such standards applicable, with the exception that during the second segment of the take-off climb, the propeller of the inoperative engine shall be assumed to be feathered. This will provide a substantial step toward the protection accorded by Part 4b, while at the same time giving the operators of the C–46 a reasonable opportunity to adjust to the more comprehensive standards thereof.

A further problem which confronts the Board is what weight shall be applicable to the C–46 in passenger-carrying operations during the period until the Administrator establishes a precise weight under the modified Part 4b standards provided herein. The aircraft, as previously noted, is now operating at a take-off weight of 45,000 pounds in passenger operations pursuant to the emergency regulation of January 31, 1952. One alternative would be to continue that regulation in effect pending the necessary determinations by the Administrator. However, we believe that on further analysis of the data before us certain modifications should be made in the 45,000 pound figure as a temporary standard.

The only flight tests for climb performance of the C–46 which have been made in the configuration herein required—that is, with wheels and flaps up, the critical engine inoperative and its propeller feathered, and the operating engine developing maximum take-off power—have been performed by the Civil Aeronautics Administration. Data covering these tests were introduced in the proceeding hereinbefore referred to, but were challenged as to accuracy. The Board finds with respect to these specific tests that the techniques and instrumentation employed were not so at variance with accepted engineering practice as to impeach such data and make their use unreasonable. The Board further finds such data have been accurately adjusted to reflect climb performance under standard conditions. However, since the tests were conducted for the purpose of determining the performance capabilities of the C–46 under the transport category requirements, no tests were performed at weights which would be permitted under the less severe standards provided in this regulation for the interim period until January 1, 1954. Such provisional interim weight must therefore be determined by extrapolation. While the Board recognizes that extrapolation to the extent necessary for this purpose goes beyond conservative engineering practice, it is of the opinion that, in the absence of more direct test data, its use is reasonable for this purpose and that the result thus produced is neither arbitrary nor capricious. The only other alternative the Board has in fixing this provisional interim weight is to employ the test data, also on file in the aforementioned proceeding, developed in the Pan American C–46 certification tests conducted at 48,300 pounds and at maximum continuous power instead of maximum rated take-off power. The Board believes that the extrapolation which use of these test data would require in order to arrive at the weight permitted under the more severe standard herein prescribed would not be as likely to produce an accurate result as would the extrapolation of the CAA climb test data.

In addition to the foregoing there must also be considered the question of the stalling speed of the C–46 in the wheels and flaps up, zero thrust configuration, since the standard herein prescribed is a function of the stalling speed. Two sets of data as to stalling speed are available to the Board, the first obtained in the Civil Aeronautics Administration tests; the second in the Pan American C–46 certification tests, both referred to above. After examination of both sets of data, the Board is unable to find that the CAA data were obtained under conditions more likely to insure accuracy than the Pan American data. Consequently, in order not to prejudice C–46 operators by prescribing a weight more limited than necessary to meet the standard hereby established, the Board

will utilize the Pan American stall test data in arriving at the provisional interim weight.

Application of the foregoing principles will produce the following results: If CAA test data for both climb and stall are used the provisional interim allowable take-off weight would be 43,600 pounds. If Pan American climb and stall test data are used, the result would be 45,400 pounds. If CAA climb data and Pan American stall data are used, the result would be 44,300 pounds. For the reasons stated above, we prefer the use of the third alternative, and the provisional interim weight will be established at 44,300 pounds.

One of the recommendations made to the Board by the Council for C–46 Engineering is that a modification of the hydromatic propeller used on the C–46 by shortening the blades should be required by appropriate regulation and the effect of the modified propeller taken into account in determing the appropriate take-off weight for that aircraft. It is our understanding that this modification either already has been accomplished or is being planned by most operators of C–46 aircraft. Flight tests with this modified propeller indicate that an increased performance may be expected from its use which would result in an increased level of safety for C–46 aircraft. It is not now possible to translate precisely this increased performance into pounds of weight under the modified Part 4b performance standard prescribed for the C–46. However, the Administrator has advised us that the data before him as a result of tests comparing the performance of the clipped and unclipped propellers indicate that an allowance of an additional thousand pounds weight for the C–46 aircraft equipped with the modified propeller would be reasonable to reflect the increased performance to be expected therefrom, until some applicant demonstrates to the Administrator that a different allowance is proper. In view of the foregoing, the Board finds that allowance of 1,000 pounds additional weight for C–46 aircraft equipped with the clipped propeller will be reasonable during the temporary period provided in this regulation.

The promulgation of this Special Regulation makes moot the questions raised with respect to the July 6, 1951, notice of proposed rule making together with the proceeding in Docket No. 5107 since revised operating standards are hereby established.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

Accordingly, the Civil Aeronautics Board hereby promulgates a Special Civil Air Regulation, effective April 1, 1953, to read as follows:

1. Prior to January 1, 1954, C–46 type airplanes when used for the carriage of passengers for remuneration or hire shall not be operated at weights exceeding those which it is demonstrated to the Administrator will allow compliance with the performance requirements of Part 4b except that in determining the maximum take-off weight, such weight shall be limited only to a valuc at which thc airplane has a rate of climb equal to 0.035 $V_{S_1}^2$ in the take-off configuration at sea level with the landing gear retracted but with the propeller of the inoperative engine feathered rather than windmilling.

2. Provisionally, pending a determination by the Administrator of the weights at which C–46 aircraft will meet the standards prescribed by paragraph 1 of this regulation, the maximum take-off weight of such aircraft, when used in the manner herein referred to, shall not exceed 44,300 pounds: *Provided*, That in the case of such aircraft equipped with Hamilton Standard propellers with blades serial number 6491A–9 or approved equivalent which have been clipped in accordance with specifications approved by the Administrator, such provisional maximum weight shall be increased by 1,000 pounds until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers, and thereafter by such other value.

3. This regulation shall be effective until superseded or rescinded by the Board. Special Civil Air Regulation SR–379 is hereby suspended and shall remain suspended so long as this regulation shall continue in effect, or until the further order of the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 1005, 54 Stat. 1007, 1010, 1023; 49 U. S. C. 551, 554, 645)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–1560; Filed, Feb. 16, 1953; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 5]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.213 is amended by changing the headnote to read: *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)*, and by amending the first portion to read: "From the Wheeling, W. Va., outer marker compass locator via the Clinton, Pa., non-directional radio beacon; Butler, Pa., non-directional radio beacon to the Philipsburg, Pa., radio range station."

2. Section 600.272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. J.)* is amended by changing the portion which reads: "via the Willow Grove, Pa., radio range station to the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range." to read: "via the Willow Grove, Pa., radio range station; the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range; the Chatham, N. J., non-directional radio beacon to the Paterson, N. J., non-directional radio beacon."

3. Section 600.647 is amended by changing the headnote to read: *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.)*, and by adding a first portion to read: "From the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range via the Blackstone, Va., radio range station to the Gordonsville, Va., radio range station."

4. Section 600.1001 *Dubois, Idaho, to West Yellowstone, Mont., civil airway,* is revoked.

5. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the last portion to read: "From the Charleston, W. Va., omnirange station via the Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station to the Herndon, Va., omnirange station."

6. Section 600.6035 is amended to read:

§ 600.6035 *VOR civil airway No. 35 (Charleston, W. Va., to Syracuse, N. Y.).* From the Charleston, W. Va., omnirange station via the Parkersburg, W. Va., omnirange station; intersection of the Parkersburg 060° True and the Pittsburgh, omnirange 223° True radials; Pittsburgh, Pa., omnirange station; Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

7. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Chicago Heights, Ill., to Elkins, W. Va.).* From the Chicago Heights, Ill., omnirange station via the Fort Wayne, Ind., omnirange station, including a south alternate; Findlay, Ohio, omnirange station, including a south alternate; Columbus, Ohio, omnirange station, including a south alternate; Parkersburg, W. Va., omnirange station to the Elkins, W. Va., omnirange station.

8. Section 600.6039 is amended by changing the headnote to read: *VOR civil airway No. 39 (Gordonsville, Va., to Kennebunk, Maine)*, and by changing the last portion to read: "From the intersection of the Baltimore, Md., omnirange 015° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Gardner, Mass., omnirange station; Concord, N. H., omnirange station to the Kennebunk, Maine, omnirange station."

[1] Member Adams did not participate in this decision.

9. Section 600.6040 *VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.)* is amended after Wellington, Ohio, VHF VAR station to read: "The intersection of the Cleveland omnirange 132° True radial and the east course of the Wellington, Ohio, VHF VAR station; the intersection of the Cleveland 132° True and the Pittsburgh 291° True radials to the Pittsburgh, Pa., omnirange station."

10. Section 600.6041 is amended to read:

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).* From the Pittsburgh, Pa., omnirange station via the intersection of the Pittsburgh omnirange 326° True and the Youngstown 180° True radials to the Youngstown, Ohio, omnirange station.

11. Section 600.6042 is amended to read:

§ 600.6042 *VOR civil airway No. 42 (Detroit, Mich., to Pittsburgh, Pa.).* From the Detroit, Mich., omnirange station via the intersection of the Detroit omnirange 096° True and the Cleveland 331° True radials; Cleveland, Ohio, omnirange station; the intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials to the Pittsburgh, Pa., omnirange station.

12. Section 600.6044 is amended to read:

§ 600.6044 *VOR civil airway No. 44 (Columbus, Ohio, to Baltimore, Md.).* From the Columbus, Ohio, omnirange station via the Parkersburg, W. Va., omnirange station; Morgantown, W. Va., omnirange station; Martinsburg, W. Va., omnirange station to the Baltimore, Md., omnirange station.

13. Section 600.6046 *VOR civil airway No. 46 (Cleveland, Ohio, to Pittsburgh, Pa.)* is revoked.

14. Section 600.6072 is amended to read:

§ 600.6072 *VOR civil airway No. 72 (Bradford, Pa., to Albany, N. Y.).* From the intersection of the Elmira, N. Y., omnirange 254° True and the Buffalo, N. Y., 178° True radials via the Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station to the Albany, N. Y., omnirange station.

15. Section 600.6075 is amended to read:

§ 600.6075 *VOR civil airway No. 75 (Petersburg, W. Va., to Cleveland, Ohio.).* From the point of intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 083° True radials via the Morgantown, W. Va., omnirange station; Wheeling, W. Va., omnirange station to the Cleveland, Ohio, omnirange station.

16. Section 600.6111 is amended to read:

§ 606.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the San Francisco omnirange 111° True and the Salinas omnirange 049° True radials.

17. Section 600.6119 is added to read:

§ 600.6119 *VOR civil airway No. 119 (Parkersburg, W. Va., to Wheeling, W. Va.).* From the Parkersburg, W. Va., omnirange station to the Wheeling, W. Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., February 17, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1557; Filed, Feb. 16, 1953; 8:50 a. m.]

[Amdt. 4]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.213 is amended to read:

§ 601.213 *Red civil airway No. 13 control areas (Wheeling, W. Va., to Boston, Mass.).* All of Red civil airway No. 13.

2. Section 601.647 is amended to read:

§ 601.647 *Blue civil airway No. 47 control areas (Blackstone, Va., to Dunkirk, N. Y.).* All of Blue civil airway No. 47.

3. Section 601.1326 is added to read:

§ 601.1326 *Control area extension (Fortuna, Calif.).* Within 5 miles either side of the 18° True radial of the Fortuna omnirange extending from the omnirange station to a point 30 miles northeast.

4. Section 601.1327 is added to read:

§ 601.1327 *Control area extension (Crescent City, Calif.).* Within 5 miles either side of the 330° True and 235° True radials of the Crescent City omnirange extending from the omnirange station to points 20 miles northwest and southwest.

5. Section 601.1328 is added to read:

§ 601.1328 *Control area extension (Oxnard, Calif.).* All that airspace bounded on the northeast by Amber civil airway No. 8, on the east by Longitude 119°11'30", on the south by a line 2 miles north of and parallel to the Point Magu Warning Area (W-289), on the west by Longitude 120°00'00" and on the northwest by Control Area Extension No. 1176, excluding the airspace below 4000 feet lying within the Santa Cruz Island Warning Area (W-412).

6. Section 601.1984, *Five-mile radius zones,* is amended by adding the following airports:

Salisbury, Md.: Wicomico County Airport.
Crescent City, Calif.: Del Norte County Airport.
Arcata, Calif.: Arcata Airport.
Blythe, Calif.: Blythe Airport.
Yuma, Ariz.: Yuma County Airport.

7. Section 601.2104 is amended to read:

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of Huntington Airport, Chesapeake, Ohio, within a 5-mile radius of Tri State Airport, Huntington, W. Va., within 2 miles either side of the west course of the Huntington radio range extending to a point 10 miles west of the radio range station, and within 2½ miles either side of the northwest course of the Huntington radio range extending to a point 10 miles northwest of the radio range station.

8. Section 601.2118 is amended to read:

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of the Langley AFB and within a 5-mile radius of Patrick Henry Airport including the airspace lying 5 miles southwest of and parallel to a line connecting the centers of Langley AFB and Patrick Henry Airport, excluding the portion which overlaps danger areas.

9. Section 601.2190 is amended to read:

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles on the southwest side of the southeast course of the Atlantic City, N. J., radio range to and including the airspace bounded on the west by a line bearing 174° True from the Naval Air Station, bounded on the southeast by a line lying 3 nautical miles off-shore, and bounded on the northeast by a line bearing 112° True from the Naval Air Station.

10. Section 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range;"

11. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border),* is amended by deleting the following reporting point: "the intersection of the southwest course of the Richmond, Va., radio range and the southeast course of the Blackstone, Va., radio range;" and by adding the following reporting point in lieu thereof: "the intersection of the northeast course of the Raleigh, N. C., radio range and the south course of the Blackstone, Va., radio range;"

12. Section 601.4213 is amended by changing the headnote to read: *"Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.).*

13. Section 601.4227 is amended to read:

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° from the Lexington, Ky., nondirectional radio beacon; Dayton, Ohio radio range station.

14. Section 601.4647 is amended by changing the headnote to read: *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.).*

15. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Charleston, W. Va., to Syracuse, N. Y.).* All of VOR civil airway No. 35.

16. Section 601.6038 is amended to read.

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago Heights, Ill., to Elkins, W. Va.).* All of VOR civil airway No. 38 including south alternates.

17. Section 601.6039 is amended to read:

§ 601.6039 *VOR civil airway No. 39 control areas (Gordonsville, Va., to Kennebunk, Me.).* All of VOR civil airway No. 39.

18. Section 601.6044 is amended to read:

§ 601.604 *VOR civil airway No. 44 control areas (Columbus, Ohio, to Baltimore, Md.).* All of VOR civil airway No. 44.

19. Section 601.6046 *VOR civil airway No. 46 control areas (Cleveland, Ohio, to Pittsburgh, Pa.)* is revoked.

20. Section 601.6072 is amended to read:

§ 601.6072 *VOR civil airway No. 72 control areas (Bradford, Pa., to Albany, N. Y.).* All of VOR civil airway No. 72.

21. Section 601.6075 is amended to read:

§ 601.6075 *VOR civil airway No. 75 control areas (Petersburg, W. Va., to Cleveland, Ohio.).* All of VOR civil airway No. 75.

22. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Parkersburg, W. Va., to Wheeling, W. Va.).* All of VOR civil airway No. 119.

23. Section 601.7001 *VOR reporting points,* is amended by adding the following reporting points:

Charleston, W. Va., omnirange station.
Parkersburg, W. Va., omnirange station.
Wheeling, W. Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., February 17, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1558; Filed, Feb. 16, 1953; 8:50 a. m.]

[Amdt. 49]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.36, a Sahwave Mountains, Nevada area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SAHWAVE MOUNTAINS (D-430) (Elko Chart).	Beginning at lat. 40°40′00″ N., long. 118°49′00″ W.; due S. to lat. 40°04′00″ N; WSW. to lat. 40°00′00″ N., long. 118°57′00″ W.; due W. to long. 119°13′00″ W.; due N. to lat. 40°40′00″ N.; due E. to lat. 40°40′00″ N., long. 118°49′00″ W., point of beginning.	Surface to unlimited.	Continuous...	12th Naval District.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 20, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1559; Filed, Feb. 16, 1953; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5813]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENJAMIN B. COLE, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1395 *Connections and arrangements with others;* § 3.1425 *Government connection;* § 3.1490 *Nature in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2380 *Government connection;* § 3.2425 *Nature, in general.* In connection with the use in commerce, of so-called "skip tracer" form letters, double reply post cards, and any other printed matter of a substantially similar nature, (1) using the name "Dispatch Forwarding System" or any other word or words of similar import, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods or mail to the proper recipients thereof, or that they maintain an unclaimed-package department; (2) representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards, form letters, or other material are, or may be, consignees of goods, or packages, or mail, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages or mail to such persons; (3) using the name "Federal Deposit System" or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that their requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government; (4) representing, directly or by implication, that any money has been deposited with them for persons from whom or about whom information is sought; (5) representing, directly or by implication, that they sponsor, or have any connection with, any radio program or show unless such is a fact; (6) representing through the use of the said Thomas Webster form letters, or otherwise, that any person from whom or about whom information is sought has been awarded a gift or prize, or that such person will receive a gift or prize by furnishing the information requested; or, (7) representing, directly or by implication, that respondents' business is other than that of operating a collection agency; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Benjamin B. Cole, Inc., et al., Portland, Oreg., Docket 5813, November 10, 1952]

In the matter of Benjamin B. Cole, Inc., a Corporation Trading and Doing Business as Dispatch Forwarding System, Federal Deposit System, and Other Trade Names; Herman N. Cole, Individually and as President of Benjamin B. Cole, Inc.; and Hannah H. Cole, Individually and as an Officer of Benjamin B. Cole, Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on September 20, 1950, issued and subsequently served its complaint in this proceeding upon respondents Benjamin B. Cole, Inc., a corporation, Herbert M. Cole (erroneously named in the complaint as Herman N. Cole), and Hannah F. Cole (erroneously named in the complaint as Hannah H. Cole), charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of the complaint were

introduced before a hearing examiner theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. No testimony or other evidence was offered in opposition to the allegations of the complaint. On December 28, 1950, the said hearing examiner filed his initial decision.

Respondents filed an appeal with the Commission from said initial decision, and counsel supporting the complaint filed a motion to reopen and remand the case to the hearing examiner for the taking of additional testimony. The Commission, on September 6, 1951, entered its order granting in part and denying in part respondents' said appeal and remanding the case to the hearing examiner for the purpose of taking additional testimony concerning one of the issues in the case. Additional testimony and other evidence in support of the complaint were introduced before a substitute hearing examiner of the Commission theretofore duly designated by it, counsel having agreed to a substitution of hearing examiners for the purpose of taking and receiving such additional testimony and other evidence, and such additional testimony and other evidence were also duly recorded and filed in the office of the Commission. The original hearing examiner, on February 14, 1952, filed a certification of record to the Commission for final determination.

Thereafter, this matter came on for final consideration by the Commission upon the complaint, answer thereto, testimony and other evidence in support of the complaint, initial decision of the hearing examiner and respondents' appeal therefrom, and the hearing examiner's certification of the record to the Commission for final determination; and the Commission, having duly considered the matter and having heretofore entered its order granting in part and denying in part respondents' appeal from the initial decision of the hearing examiner, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the said initial decision of the hearing examiner.

It is ordered, That respondent Benjamin B. Cole, Inc., a corporation, its officers other than Hannah F. Cole, and Herbert M. Cole, individually and as president of respondent corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of so-called "skip tracer" form letters, double reply post cards, or any other printed matter of a substantially similar nature, do forthwith cease and desist from:

1. Using the name "Dispatch Forwarding System" or any other word or words of similar import, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods or mail to the proper recipients thereof, or that they maintain an unclaimed-package department.

2. Representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards, form letters, or other material are, or may be, consignees of goods, or packages, or mail, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages or mail to such persons.

3. Using the name "Federal Deposit System" or any other word or phrase of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that their requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government.

4. Representing, directly or by implication, that any money has been deposited with them for persons from whom or about whom information is sought.

5. Representing, directly or by implication, that they sponsor, or have any connection with, any radio program or show unless such is a fact.

6. Representing through the use of the said Thomas Webster form letters, or otherwise, that any person from whom or about whom information is sought has been awarded a gift or prize, or that such person will receive a gift or prize by furnishing the information requested.

7. Representing, directly or by implication, that respondents' business is other than that of operating a collection agency.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Hannah F. Cole.

It is further ordered, That respondents Benjamin B. Cole, Inc., and Herbert M. Cole shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 10, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 53-1556; Filed, Feb. 16, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53198]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

BAGGAGE OF, AND IMPORTATIONS FOR, CERTAIN REPRESENTATIVES OF THE UNITED NATIONS, OF SPECIALIZED AGENCIES OF THE UNITED NATIONS, AND OF THE ORGANIZATION OF AMERICAN STATES

Pursuant to Public Law 486, 82d Congress, a bilateral agreement has been entered into between the United States and the Organization of American States whereby the United States accords to certain representatives of member States of the Organization of American States the privileges and immunities accorded to diplomatic envoys accredited to the United States. To provide for customs privileges for these individuals and also to indicate that baggage of resident representatives of the United Nations and specialized agencies thereof falls within the purview of that section, § 10.30b, Customs Regulations of 1930 (19 CFR 10.30b) is amended to read as follows:

§ 10.30b *Baggage of, and importations for, certain representatives of the United Nations, of specialized agencies of the United Nations, and of the Organization of American States.* (a) The privilege of admission free of duty and internal-revenue tax without entry or examination may be extended to the baggage and effects of (1) every person designated by a United Nations Member nation as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary, (2) such resident members of their staffs as may be agreed upon between the Secretary-General of the United Nations, the Government of the United States, and the Government of the United Nations Member concerned, (3) every person designated by a United Nations Member of a specialized United Nations agency as its principal resident representative, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States, (4) such other principal resident representatives of United Nations Members to a specialized United Nations agency and such resident members of the staffs of representatives to a specialized United Nations agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States, and the Government of the United Nations Member concerned, (5) any person designated by a Member of the Organization of American States as its representative or interim representative on the council of the Organization of American States, and (6) all other permanent members of the Delegation of a Member of the Organization of American States regarding whom there is agreement for that purpose between the Government of the Member State concerned, the Secretary-General of the Organization of American States, and the Government of the United States of America.

(b) The privilege of importing without entry and free of duty and internal-revenue tax articles for their personal or family use may be granted to persons of the classes enumerated in paragraph (a) of this section.

(c) The privileges outlined in the two preceding paragraphs shall be granted only upon the Department's instruction in each instance, which will be issued only upon the request of the Department of State.

(R. S. 161, 251, secs. 498, 624, 46 Stat. 728, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1498, 1624.

Interprets or applies sec. 15, 61 Stat. 762, Pub. Law 486, 82d Cong.)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: February 9, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1554; Filed, Feb. 16, 1953; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5987, Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY

On November 15, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10468) to conform Regulations 130 (26 CFR Part 40) to section 516 of the Revenue Act of 1951, approved October 20, 1951. No objections to the rules proposed having been received within the thirty days following such publication, the amendments set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately after section 509 (b) of the Revenue Act of 1951, which precedes § 40.435–1, the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* Section 435 (c) (relating to determination of average base period net income) is hereby amended as follows:

(1) By inserting immediately after "445 or 446," the following: "or any subsection of section 459,".

(2) By inserting immediately after "or under such section" the following: "or subsection".

PAR. 2. Section 40.435–1 (c) is amended by inserting "or any subsection of section 459," immediately after "or 446," and by inserting "or subsection" immediately after "under whichever section" in such section, so that such § 40.435–1 (c) as so amended will read as follows:

(c) *Average base period net income; determination.* The average base period net income is the amount determined under section 435 (d) (for computation, see paragraph (d) of this section), unless the taxpayer is entitled to the benefits of section 435 (e), 442, 443, 444, 445, or 446, or any subsection of section 459, in which case the average base period net income shall be the amount determined under whichever section or subsection, applicable to the taxpayer, results in the lowest excess profits tax for the taxable year.

PAR. 3. There is inserted immediately after § 40.458–8 the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *In general.* Part I of subchapter D of chapter 1 is hereby amended by adding at the end thereof a new section to read as follows:

SEC. 459. MISCELLANEOUS PROVISIONS.

(a) *Average base period net income—transition from war production and increase in peacetime capacity.* In the case of a taxpayer which commenced business before January 1, 1940, and since such date has engaged primarily in manufacturing, the taxpayer's average base period net income determined under this subsection shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) if—

(1) The adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) as of the beginning of its base period (when added to the total facilities at such time of all corporations with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter) did not exceed $10,000,000;

(2) The basis (unadjusted) of the taxpayer's total facilities (as defined in section 444 (d)) at the close of its base period was 250 per centum or more of the basis (unadjusted) of its total facilities at the beginning of its base period;

(3) The percentage of the taxpayer's aggregate gross income which was from contracts with the United States and related subcontracts was (A) at least 70 per centum for the period comprising all taxable years beginning after December 31, 1941, and ending before January 1, 1946, (B) less than 20 per centum for the period comprising all taxable years ending after December 31, 1945, and before January 1, 1950, and (C) less than 20 per centum for the period comprising all taxable years ending after December 31, 1949, and beginning before July 1, 1950; and

(4) The average monthly excess profits net income of the taxpayer (computed in the manner provided in section 443 (e)) for—

(A) The period comprising all taxable years ending with or within the last 24 months of its base period, and

(B) The last taxable year ending before the first day of its base period,

are each 300 per centum or more of the average monthly excess profits net income (so computed) of the taxpayer for the period comprising all taxable years ending with or within the first 24 months of its base period.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 516) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (a)–1 *Transition from war production and increase in peacetime capacity.* (a) A corporation which commenced business before January 1, 1940, which has been engaged primarily in manufacturing since January 1, 1940, and which satisfies all the requirements provided in paragraphs (1) through (4) of section 459 (a) may compute its average base period net income under section 459 (a), for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, instead of under any other applicable provision of the Code. The average base period net income computed under section 459 (a) shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) and under § 40.435–5 (a) (7) (i) and (ii) and § 40.435–5 (b). If the taxpayer computes its average base period net income under section 459 (a), the base period capital addition provided in section 435 (f) shall not be allowed in computing its excess profits credit.

(b) The date the corporation commenced business shall be determined for the purpose of section 459 (a) under the rules provided in the regulations promulgated under section 445, relating to the computation of average base period net income in the case of new corporations. See § 40.445–1 (a) (2).

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: February 12, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1569; Filed, Feb. 16, 1953; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 44]

PART 1613—REGISTRATION PROCEDURES

ACCOMPLISHMENT OF REGISTRATION

The Selective Service Regulations are hereby amended as follows:

1. Section 1613.15 is amended to read as follows:

§ 1613.15 *Registration certificate.* After the Registration Card (SSS Form No. 1) is completed and signed, the registrar shall prepare, from information taken from the Registration Card (SSS Form No. 1), the Registration Certificate (SSS Form No. 2). The registrar shall never fill out the Registration Certificate (SSS Form No. 2) until after completely finishing the Registration Card (SSS Form No. 1). Whenever the registration is accomplished at a place other than a local board office the registrar shall deliver or mail the Registration Certificate (SSS Form No. 2) with the Registration Card (SSS Form No. 1) to the local board for which he is a registrar. If the place of residence of the registrant as shown on line 2 of his Registration Card (SSS Form No. 1) is within the area of the local board, or if the local board has jurisdiction of the registrant under paragraph (b) of § 1613.43, the local board shall mail the Registration Certificate (SSS Form No. 2) to the registrant not later than 10 days following the date of registration. If the place of residence of the registrant is not within the area of the local board, the Registration Certificate (SSS Form No. 2) shall be transmitted with the Registration Card (SSS Form No. 1) in the manner provided in § 1613.43 to the local board which has jurisdiction of the registrant. Upon receipt of the Registration Certificate (SSS Form No. 2) and the Registration Card (SSS Form No. 1) the local board having jurisdiction of the registrant shall immediately mail the Registration Certificate (SSS Form No. 2) to the registrant and retain the Registration Card (SSS Form No. 1).

2. Paragraphs (c) and (d) of § 1613.41 are amended to read as follows:

§ 1613.41 *Manner of registration of inmate of institution.*

* * * * *

(c) The superintendent, warden, or other designated person acting as registrar shall then (1) explain to the registrant his obligations under title I of the Universal Military Training and Service Act, as amended, and (2) prepare and sign the Registration Certificate (SSS Form No. 2) entering on the line commencing "Registrar for Local Board" the number of the local board of the area in which the institution is located.

(d) The superintendent, warden, or other designated person shall mail the Registration Card (SSS Form No. 1) and the Registration Certificate (SSS Form No. 2) of a person registered under the provisions of this section to the local board having jurisdiction over the area in which the institution is located. If that local board has jurisdiction of the registrant, it shall mail the Registration Certificate (SSS Form No. 2) to the registrant. Otherwise, the Registration Certificate (SSS Form No. 2) shall, in the manner provided in § 1613.15, be transmitted to the local board which has jurisdiction of the registrant and be mailed to the registrant by that local board.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1544; Filed, Feb. 16, 1953; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 186, Amdt. 1]

CPR 186—RELAYING RAIL AND USED TRACK ACCESSORIES

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 186 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 186 postpones its effective date indefinitely.

CPR 186 was issued on January 30, 1953 and, in order to permit warehouse resellers sufficient time to make the computations required by the regulation in the calculation of their ceiling prices, February 16, 1953 was fixed as its effective date. On February 2, 1953, the President of the United States indicated that Congress would not be requested to extend Title IV of the Defense Production Act of 1950, as amended; that price controls should be permitted to expire on April 30, 1953; and that in the interim a program of orderly elimination of price controls would be instituted.

Pursuant to the policy so laid down, active consideration is now being given to the sequence in which all commodities under price control should be exempted therefrom.

It is not deemed advisable that CPR 186 should become effective in the interim. Therefore, this amendment postpones the effective date of CPR 186 indefinitely.

The special nature of the provisions of this amendment made it impracticable and unnecessary to consult with industry representatives or trade association representatives prior to its issuance.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to affectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

AMENDATORY PROVISIONS

The paragraph of Ceiling Price Regulation 186 beginning with the words "Effective date" is amended to read as follows:

Effective date. The effective date of this regulation is postponed until further action by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C., App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 186 is effective February 16, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1643; Filed, Feb. 16, 1953; 10:49 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 33]

GCPR, SR 33—ADJUSTMENTS IN CEILING PRICES FOR PRIMARY NICKEL PRODUCTS AND FOR ROLLING MILL FOUNDRY AND SIMILAR PRODUCTS CONTAINING MORE THAN 5 PERCENT NICKEL

ADJUSTMENTS OF CEILING PRICES FOR PRIMARY NICKEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 33, Amendment 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits all sellers of primary nickel products to increase their ceiling prices three and one-half cents per pound.

Nearly all the nickel used in the United States is produced from Canadian ores and is imported in such primary forms as electrolytic nickel, nickel oxides, and metallic nickel and is then sold in the U. S. to approximately 7 major distributors. The Government of Canada approved an increase of 3½ cents per pound in the price of nickel, effective January 14, 1953. In accordance with section 402 (d) of the Defense Production Act of 1950, as amended, distributors of the International Nickel Company were permitted to pass through this additional 3½ cents per pound in their ceiling price. To permit all sellers to sell primary nickel on the same basis as these distributors, this amendment permits an increase in the ceiling price of primary nickel products of an additional 3½ cents per pound, thus permitting all sellers to carry out their purchases and sales of primary nickel products in their normal fashion. This amendment only applies to the sale of primary nickel products as defined in this supplementary regulation.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of Supplementary Regulation 33 to the General Ceiling Price Regulation is amended to read as follows:

(a) *Primary nickel products.* If you are a seller of primary nickel products, your ceiling price for any such product is the ceiling price determined in accordance with the General Ceiling Price Regulation plus 9½ cents per pound of nickel content.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 52-1631; Filed, Feb. 13, 1953; 4:48 p. m.]

[General Overriding Regulation 12, Amdt. 1 to Revision 1]

GOR 12—EXEMPTION OF CERTAIN FUEL PRODUCTS

EXEMPTION OF PETROLEUM PRODUCTS IN THE TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 12, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

By Revision 1, of General Overriding Regulation 12, the Director of Price Stabilization, pursuant to the President's program for the orderly removal of price controls, provided for the exemption of certain petroleum products from price control.

In the revision of General Overriding Regulation 12 exempting petroleum products, the exemption of sales in the territories and possessions was not covered. This amendment is issued to provide that petroleum products exempted from price control by this General Overriding Regulation are also exempted in the territories and possessions, except for sales in Puerto Rico of the petroleum products listed in Ceiling Price Regulation 13 and Ceiling Price Regulation 17.

In view of the nature of this action consultation with industry representatives including trade association representatives has not been deemed practicable or necessary.

AMENDATORY PROVISIONS

Section 4 of General Overriding Regulation 12, Revision 1, is amended by adding a new paragraph (f) to read as follows:

(f) Petroleum products exempted by this general overriding regulation are also exempted in the territories and possessions, except for sales in Puerto Rico of the petroleum products listed in Ceiling Price Regulation 13 and Ceiling Price Regulation 17.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Revision 1, of General Overriding Regulation 12, shall become effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 13, 1953.

[F. R. Doc. 53-1632; Filed, Feb. 13, 1953; 4:48 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-82 as Amended Feb. 16, 1953]

M-82—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

This amended NPA Order M-82 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amended order affects NPA Order M-82, as last amended October 2, 1952, by amending the definition of "brass mill products" appearing in section 2 (c) and by amending section 4 to permit a distributor to place orders for replacement of inventory as soon as deliveries are made by him rather than waiting until the succeeding calendar month to place such orders.

REGULATORY PROVISIONS

Sec.

1. What this order does.
2. Definitions.
3. How a distributor obtains brass mill products.
4. Monthly X-6 quotas on orders placed with brass mills or other distributors.
5. Limitations on acceptance of X-6 orders by brass mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Request for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide for the restoration and maintenance of reasonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M-11.

SEC. 2. *Definitions.* As used in this order:

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

(h) "NPA" means the National Production Authority.

SEC. 3. *How a distributor obtains brass mill products.* (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in sections 4 and 7 of this order, a distributor may apply the allotment symbol X-6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X-6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Commencing on May 28, 1952, any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders which bear program identifications consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z-2, or a program identification containing the suffix B-5, in obtaining materials to replace in inventory the brass mill products covered by such orders may append as a suffix to the X-6 allotment symbol the program identifi-

cation B–5, so that the authorized controlled material order placed by him will contain a program identification which reads X–6–B–5.

(d) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 4 or 7 of this order. A distributor may apply the allotment symbol X–6 to all his orders for brass mill products. Such orders are hereby designatcd authorized controlled material orders for the purpose of section 17 (d) of CMP Regulation No. 1.

SEC. 4. *Monthly X–6 quotas on orders placed with brass mills or other distributors.* (a) Commencing February 1, 1953, and during each succeding calendar month, any distributor who delivers brass mill products from his inventory during any current calendar month to fill authorized controlled material orders placed with him may, during such current calendar month, or during the next succeeding calendar month, place orders with brass mills or other distributors for replacement in his inventory of an equal weight of brass mill products, to which orders the allotment symbol X–6 may be applied. The weight of the brass mill products ordered during any calendar month, pursuant to the provisions of this paragraph, shall first be applied against any unfilled balance of the preceding calendar month's replacement-of-deliveries-from-inventory quota (by weight), until such balance shall have been filled. The remaining weight of the brass mill products ordered pursuant to the provisions of this paragraph, during any current calendar month, shall be applied against deliveries from inventory by the distributor during that current calendar month.

(b) In addition, a distributor whose inventory (by weight) on the last business day of any calendar month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X–6 with a brass mill or another distributor during the succeeding month for 15 percent of the difference between his average monthy inventory (by weight) during the base period and such inventory at the end of the month.

(c) The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X–6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months during the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. *Limitations on acceptance of X–6 orders by brass mills or distributors.* (a) A brass mill or another distributor need not accept an X–6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X–6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X–6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M–82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept for delivery from his inventory orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 2,000 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept any order for copper controlled materials except an authorized controlled material order, or ship or deliver any copper controlled material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

SEC. 8. *Certification.* Any order for brass mill products placed by a distributor with a supplier and bearing the allotment symbol X–6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M–82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its

enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-82.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect February 16, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1645; Filed, Feb. 16, 1953; 11:05 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 2, Amdt. 39 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE RENTAL AREAS OR PORTIONS THEREOF

COOK COUNTY, ILLINOIS

Effective February 17, 1953, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Item 90 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

90. *Provisions relating to Cook County, Illinois, a portion of the Chicago Defense-Rental Area (Item 83 of Schedule A):*

Decontrol of specified class of housing accommodations based upon the recommendation of the Local Advisory Board.

Pursuant to the provisions of section 204 (e) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated with respect to housing accommodations which on December 31, 1952, consisted of not more than two furnished rooms and the rental of which included linen and maid service but did not include kitchen facilities or kitchen privileges.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry into effect this item of Schedule B.

[F. R. Doc. 53-1608; Filed, Feb. 16, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1841]

PART 79—TIMBER

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

The following text is substituted for §§ 79.1–79.13a:

FREE USE OF TIMBER ON PUBLIC LANDS IN ALASKA

Sec.
79.1 Statutory authority.
79.2 Free use privilege; cutting by agent.
79.3 Free use of timber for Government purposes.
79.4 Application for permit.
79.5 Issuance and cancellation of permit, removal of timber; bond.
79.6 Cutting rules; restriction on cutting timber along highways or public roads, or bordering the shores of lakes.
79.7 Amount of timber which may be cut.
79.8 Notice of completion of timber cutting operations.
79.9 Timber on school sections and on withdrawn lands.
79.10 Termination of permit; extensions.
79.11 Trespass; penalty for unauthorized cutting of timber.
79.12 Appeals.

AUTHORITY: §§ 79.1 to 79.12 issued under sec. 11, 30 Stat. 414, as amended; 48 U. S. C. 423.

CROSS REFERENCE: For additional free use privileges, see §§ 259.21—259.25 of this chapter.

§ 79.1 *Statutory authority.* Section 11 of the act of May 14, 1898 (30 Stat. 414; 48 U. S. C. 423), empowers the Secretary of the Interior to permit the use of timber found upon the public lands in Alaska by actual settlers, residents, individual miners, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and for domestic purposes as may actually be needed by such persons for such purposes. This section was amended by the Act of June 15, 1938 (52 Stat. 699), so as to permit the use of such timber by churches, hospitals, and charitable institutions for firewood, fencing, buildings, and for other domestic purposes.

§ 79.2 *Free use privilege; cutting by agent.* (a) Except as provided in § 79.9, the only timber which may be cut under §§ 79.1 to 79.12 for free use in Alaska is timber on vacant public lands in the Territory not reserved for national forest or other purposes. The timber so cut may not be sold or bartered. The free use privilege does not extend to associations or corporations, except churches, hospitals, and charitable institutions. Any applicant entitled to the free use of timber may procure it by agent, if desired, but no part of the timber may be used in payment for services in obtaining it or in manufacturing it into lumber. Timber may not be cut by an applicant under this section after the land has been included in a valid homestead settlement or entry or other claim, except that any applicant for the free use of timber who has been granted a permit to cut as hereinafter provided, will have the right to cut the timber while the permit remains in force as against a subsequent applicant who may wish to obtain the same timber by purchase, except as provided in § 79.22.

(b) Free use permits will not be issued where the applicant owns or controls lands having an adequate supply of timber to meet his needs.

§ 79.3 *Free use of timber for Government purposes.* Persons contracting with Government officials to furnish firewood or timber for United States Army posts or for other authorized Government purposes may procure it from the vacant and unreserved public lands in Alaska free of charge, provided the contracts do not include any charge for the value of the firewood or timber. Where it is desired to procure timber for such use, an application for permit in duplicate on Form 4–056 must be filed, as in other cases, and a copy of the contract must be attached to the application.

§ 79.4 *Application for permit.* Before timber is cut for free use, an application for permit in duplicate on Form 4–056 must be filed in an office or with an employee of the Bureau of Land Management in Alaska.

§ 79.5 *Issuance and cancellation of permit; removal of timber; bond.* (a) A permit may be issued and shall incorporate the provisions, if any, governing the selection, removal, and use of the materials. One copy of Form 4–056 shall be returned to the applicant showing the approval or rejection of such application.

(b) The signing officer may cancel a permit if the permittee fails to observe its terms and conditions, or the regulations in §§ 79.1 to 79.12, or if the permit has been issued erroneously.

(c) No timber shall be removed until the permit is issued. If deemed necessary by the signing officer, a bond, satisfactory to him, may be required as a guarantee of faithful performance of the provisions of the permit and the regulations in §§ 79.1 to 79.12.

§ 79.6 *Cutting rules; restriction on cutting timber along highways or public roads, or bordering the shores of lakes.* All free-use timber shall be cut and removed in accordance with approved forestry and conservation practices so as to

preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources. In the free-use disposal of timber, the cutting and removal shall be accomplished in such manner as to leave the stand in condition for continuous production. Moreover, no green timber shall be cut within 300 feet of either side of the center line of a highway or public road, or bordering streams or the shores of lakes designated for recreational use unless specifically authorized by the Regional Administrator or the Regional Chief, Division of Forestry, to prevent or control fungus infection or insect attacks, or for other reasons found sufficient to justify such cutting.

§ 79.7 *Amount of timber which may be cut.* During each calendar year each applicant entitled to the benefits of section 11 of the act of May 14, 1898, may take a total of 100,000 feet board measure or 200 cords in saw logs, piling, cordwood, or other timber. This amount may be taken in whole in any one of such classes of timber or in part of one kind and in part of another kind or other kinds. Where a cord is the unit of measure, it shall be estimated in relation with saw timber in the ratio of 500 feet board measure to the cord. Permits to take timber in excess of the amount stated may be granted to churches, hospitals, and charitable institutions upon a showing of special necessity therefor, and with the approval of the Regional Administrator.

§ 79.8 *Notice of completion of timber cutting operations.* Upon completion of the cutting and the removal of the timber, the permittee must notify the Regional Chief, Division of Forestry, or other forest officer, stating when the work was completed, the land from which the timber was taken, the amount and kind of timber which was cut and removed, and the use to which the timber was put.

§ 79.9 *Timber on school sections and on withdrawn lands.* Sections 79.1 to 79.12 are not applicable to timber upon sections 16, 33, and 36, which were reserved to the Territory for educational uses by the act of March 4, 1915 (38 Stat. 1214; 48 U. S. C. 353, 354). Sections 79.1 to 79.12 are also inapplicable to timber upon withdrawn areas, unless the order of withdrawal permits.

§ 79.10 *Termination of permit; extensions.* Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the signing officer.

§ 79.11 *Trespass; penalty for unauthorized cutting of timber.* The cutting of timber from the public land in Alaska, other than in accordance with the terms of the law and §§ 79.1 to 79.12, will render the persons responsible liable to the United States in a civil action for trespass, and such persons may be prosecuted criminally under 18 U. S. C. 1852 or section 56–1–26 and 56–1–27 of the Alaska Compiled Laws, Annotated, 1949.

§ 79.12 *Appeals.* A party aggrieved by any action involving his application may appeal to the Director of the Bureau of Land Management and the Secretary of the Interior, pursuant to the Rules of Practice contained in Part 221 of this chapter.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

FEBRUARY 11, 1953.

[F. R. Doc. 53–1526; Filed, Feb. 16, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS [1]

In the matter of amendment of Part 1 of the Commission's rules and regulations relating to practice and procedure.

At a session of the Federal Communications Commission at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration §§ 1.387 (b) (3), and 1.724 (b) of its rules and regulations relating to practice and procedure;

It appearing, that § 1.387 (b) (3) of the rules presently provides in pertinent part that the Commission will on its motion name as parties to a hearing:

> Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled;
>
> If the application is filed after the 20-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or such applications are withdrawn or dismissed.

It further appearing, that § 1.724 (b) of the rules presently provides in pertinent part:

> Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled.

It further appearing, that in light of the recent amendment to section 309 (b) of the Communications Act (Communications Act Amendments of 1952, Public Law 554, 82d Congress) which requires the Commission, prior to formal designation of an application for hearing, to notify the applicant of the grounds and reasons for the Commission's inability to make a finding that the public interest, convenience and necessity would be served by the granting of the application, and to afford such applicant an opportunity to reply, the aforesaid 20-day provision is inadequate and should be extended to 30 days in order that the Commission may process applications in an orderly manner; and

It further appearing, that it is necessary to provide procedures which would permit parties in broadcast hearings to work out mutual problems raised by the hearing procedure at a time when they have definite information as to the identity of all other parties to the proceeding and thus expedite the conduct of such hearings; and

It further appearing, that the recent amendment to section 309 (b) of the Communications Act (Communications Act Amendments of 1952, Public Law 554, 82d Congress) also make it desirable that all broadcast hearings be commenced with a conference between the Examiner, or other presiding officer, and representatives of all parties and that such conference be employed for the purpose of applying the "30-day rule" of §§ 1.387 (b) (3) and 1.724 (b) as herein amended; and

It further appearing, that authority for the amendments adopted herein is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments adopted herein are procedural; that the provisions of section 4 of the Administrative Procedure Act with respect to Notice of Proposed Rule Making and prior publication are inapplicable; and that such amendments may be made effective immediately;

It is ordered, That effective immediately Part 1 of the Commission's rules and regulations relating to practice and procedure is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 1.387 is amended by deleting the present paragraph (b) (3) and substituting therefor the following:

(3) Any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph. If the appli-

[1] See F. R. Doc. 53–1578, appearing in Notices Section, *infra.*

cation is filed after the 30-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or after such applications are dismissed or removed from hearing.

2. Section 1.724 is amended by deleting the present paragraph (b) and substituting therefor the following:

(b) Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph.

3. Section 1.841 is redesignated as § 1.840 with no change in text.

4. A new § 1.841 is added as follows:

§ 1.841 *Commencement of hearing procedure in cases involving broadcast applications.*[90] (a) Except for good cause found in advance by the Hearing Examiner, all broadcast hearings will commence with a conference between the Hearing Examiner, or other presiding officer, and representatives of all parties to the proceeding looking toward agreement on all matters raised with respect to the conduct of the hearing. At this conference, the parties, including Commission counsel should be prepared to discuss (1) the matters relied upon by each of the parties, (2) possibilities of agreement to clarify the issues to be tried in the hearing, (3) admissions of fact and of documents which will avoid unnecessary proof, (4) the need or desirability of obtaining proof by depositions, (5) limitations upon merely cumulative proof, (6) the need for additional conferences, (7) date for commencing the taking of testimony and (8) such other matters as may aid the disposition of the hearing.

(b) The Hearing Examiner, or other presiding officer, shall issue an order which recites the action taken at the conference; the date of any additional conference or the date for taking of testimony which, in the absence of agreement otherwise, should not be later than 30 days after the issuance of such order if circumstances will permit; the matters relied upon by each of the parties; agreements made by the parties as to (1) admissions of fact and documents, and (2) limitations of proof and other matters; and such order when issued shall control the subsequent course of the hearing unless modified by the Hearing Examiner for cause during the course of the hearing or by the Commission upon a review of the Hearing Examiner's ruling. Proof at the hearing will be adduced only in respect of the matters relied upon by each of the parties, including Commission counsel, set out in such order.

(c) The scheduled date of hearing referred to in §§ 1.387 (b) (3) and 1.724 (b) shall be the date the conference is commenced pursuant to the provisions of this section. The procedure specified above does not affect the opportunity for prehearing conference as provided in § 1.813.

[F. R. Doc. 53-1579; Filed, Feb. 16, 1953; 8:45 a. m.]

[Docket No. 10214]

PART 3—RADIO BROADCAST SERVICES

LICENSED OPERATOR REQUIREMENTS OF CERTAIN STANDARD AND FM BROADCASTING STATIONS AND FOR REMOTE CONTROL OPERATION OF SUCH STATIONS

Correction

In F. R. Doc. 53-1133, appearing at page 726 of the issue for Wednesday, February 4, 1953, the following changes should be made:

1. In the first sentence of § 3.165 (b), "subparagraphs (1) and (2) of this paragraph" should read "subparagraphs (1) to (4) of this paragraph".

2. The last word of § 3.165 (b) (4), "omissions", should read "emissions".

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.6 *Charges* and § 130.7 *Excess water charge* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Colorado River Indian Irrigation Project, Arizona, by increasing the basic water charges from $5.00 per acre to $6.00 per acre per annum, and increasing the basic water allowance from four acre feet to five acre feet per acre per annum. The revised sections will read as follows:

§ 130.6 *Charges.* Pursuant to the provisions of the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385-387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian irrigation project in Arizona, for the operation and maintenance of that project, is hereby fixed until further notice at $6.00 per acre per annum for the delivery of not to exceed five acre feet of water per acre per annum, except that when with the approval of the Superintendent, certain alkali tracts are planted to rice with a view to reclaiming the lands, a quantity of water reasonably sufficient to carry away alkali salts may be furnished to any such tracts of land for not more than two successive years at a rate of $6.00 per acre per annum: *Provided, however,* That the owners of Indian lands that are not under lease to non-Indian lessees and whose lands are located within the boundaries of Townships 8 and 9 North, Ranges 20 and 21 West, S. & G. R. B. M., commonly known as the old portion of the project, shall be required to make only a partial cash payment of $3.00 per acre per annum until such time as in the opinion of the Superintendent these lands are subjugated to the standards now being followed in the development of new lands in other parts of the project. The remaining unpaid part of the $6.00 basic assessments in such cases shall stand as a first lien against the land until paid. The foregoing charges shall become effective for the irrigation season of 1953 and continue in effect thereafter until further notice.

§ 130.7 *Excess water charge.* Additional water, if and when available, in excess of five acre feet per acre per annum, may be delivered upon request of landowners or lessees at the rate of $1.50 per acre foot, or fraction thereof.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director.

[F. R. Doc. 53-1525; Filed, Feb. 16, 1953; 8:45 a. m.]

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11,

[90] This section applies only to broadcast applications designated for hearing after February 4, 1953.

1946 (60 Stat. 238), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.120 *Basic charge* and § 130.122 *Delivery of water,* of Title 25, Code of Federal Regulations, Chapter 1, Subchapter L, dealing with operation and maintenance assessments against the irrigable lands of the Salt River Indian Irrigation Project, Arizona, by increasing the basic water charges from $3.50 per acre to $6.00 per acre per annum. The revised sections will read as follows:

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress, approved August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387), the basic operation and maintenance charge against the lands under the Salt River Indian Irrigation Project in Arizona to which water can be delivered through the Irrigation Project works is hereby fixed at $6.00 per acre per annum until further notice.

§ 130.122 *Delivery of water.* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $3.50 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $3.50 per acre per annum; and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a), (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director.

[F. R. Doc. 53-1545; Filed, Feb. 16, 1953; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the counties "Adams," "Antelope," "Madison," "Nuckolls," and "Wayne."

In Schedule B, under Nebraska, delete the counties "Adams," "Antelope," "Madison," "Nuckolls," and "Wayne."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 13th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1600; Filed, Feb. 13, 1953; 4:48 p. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 147]

MARTIN ENTERPRISES

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Martin Enterprises, partnership, Bernard Martin, and Alvin E. Shulman, partners, 345 Fifth Avenue, New York, New York, respondents; Case No. 147.

Alvin E. Shulman and Bernard Martin, individually and as copartners doing business under the firm name and style of Martin Enterprises, having been charged by the Director, Investigation Staff, with a series of violations of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, duly appeared herein and were represented by counsel. Although duly notified of their right to answer the charges and have an oral hearing thereon before the Compliance Commissioner, they have waived their rights thereto and have elected, pursuant to Export Regulations, § 382.10 (15 CFR Part 382), to submit to the Compliance Commissioner a proposal for the issuance of a consent order revoking and denying their license privileges. For this purpose, they have admitted the charges set forth in the charging letter.

The Compliance Commissioner has reviewed the facts of the case, has approved the proposal, and has reported the facts with his recommendations to the undersigned as Assistant Director for Export Supply.

Now, upon considering the facts of this case and the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. Alvin E. Shulman and Bernard Martin are copartners doing business under the firm name and style of Martin Enterprises, at 345 Fifth Avenue, in the City of New York, State of New York, and as such, during all times hereinafter mentioned, they were engaged in the export business.

2. Early in 1952, said persons, hereinafter referred to as respondents, submitted to the Office of International Trade an application for a license to export a quantity of stainless steel sheets, therein described as Type 302, a type in short supply and highly restricted, which application was returned without action, all quota allocations having been exhausted.

3. Being aware of the limitations with respect to the allocation of Type 302 stainless steel sheets, and also Type 304, similarly in short supply, and, in an apparent plan to circumvent such limitations, respondents thereafter filed numerous applications for licenses to export stainless steel sheets to Brazil and Switzerland, and in the said applications represented that the sheets to be exported thereunder were of Type 430, a type in more plentiful supply.

4. Two such licenses were granted for an aggregate of 640,000 pounds.

5. Thereafter, under purported authority of said licenses, respondents proceeded to export from the United States Type 302 or Type 304 stainless steel sheets, and, for the purpose of so doing, filed with the Collector of Customs at ports of embarkation the said licenses and, in addition, nine shipper's export declarations in which the steel sheets being exported thereunder were described merely as "stainless steel sheets."

6. Eight such exportations were completed, some to Brazil and some to Switzerland, but the ninth attempted exportation was intercepted and, upon inspection, was found to be Types 302 and 304. The sheets in this lot were thereupon confiscated by Customs officials on August 15, 1952, upon a writ issued out of the United States District Court for the Eastern District of New York.

From the foregoing, I have concluded that respondents did knowingly make false representations and statements in applications for export licenses and in shipper's export declarations as to the nature and description of the steel sheets sought to be exported and actually exported and that they wilfully and knowingly exported Type 302 and Type 304

stainless steel sheets without authority so to do under any general license or validated license issued by the Office of International Trade for such purpose, all in violation of §§ 381.1 (a) and (b) (1), 370.2, and 372.1 (c), Export Regulations.

The Compliance Commissioner, in his report, has stated that the offenses were very grave and serious in that they did not involve a mere misdescription of articles exported but, on the contrary, resulted in the removal from the restricted use stockpile of materials which thereby became available for relatively unimportant and unnecessary uses and, once beyond the borders of this country, susceptible to possible transshipment and inimical use. He has, therefore, recommended that the denial of license privileges for thirty-six months with a conditional remission of the last eighteen months thereof be approved. The conditional remission of the last eighteen months is allowed in the expectation that the respondents herein, conscious of their wrongdoing, will be rehabilitated and become useful participants in the export business.

For these reasons, considered by me to be proper, I have concluded that the terms of the proposed order are reasonable, necessary, and proper to achieve effective enforcement of the law and they are, accordingly, adopted: *It is, now, therefore ordered:*

I. Alvin E. Shulman and Bernard Martin, individually and as copartners, doing business under the firm name and style of Martin Enterprises, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include any action by the named respondents, or any of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of export licenses, including general as well as validated export licenses and any export control documents relating thereto; (b) as a party or a representative of a party to any export license application; (c) in any exportation from the United States to Canada or to any other foreign destination; (d) in the financing, forwarding, transporting or other servicing of exports from the United States; and (e) in the receiving in any foreign country of any exportation from the United States.

II. All outstanding validated export licenses held by or issued in the name of any of the said respondents be and they hereby are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States.

IV. This order is effective from February 10, 1953, to August 9, 1954, both dates inclusive, and for the additional term of eighteen (18) months thereafter, which additional term shall be held in abeyance for eighteen (18) months commencing August 10, 1954, subject to the condition that if said respondents, or any one of them, shall at any time within the term commencing February 10, 1953, and ending August 9, 1954, or within the additional period of eighteen months ensuing immediately thereafter, knowingly violate any of the provisions of this order, or the Export Control Act of 1949, as now or hereafter amended, or any regulation promulgated thereunder, a supplemental order, summarily vacating this provision for holding in abeyance the suspension for the additional term of eighteen months, will be issued. Upon the issuance of any such supplemental order, the additional term of eighteen months shall commence to run from the date of such supplemental order and the issuance thereof shall not be a bar to nor shall the Office of International Trade (or such other agency as shall at that time be charged with the administration of export controls) be thereby precluded from instituting any other and further action which it may deem appropriate and necessary by reason of the violation giving rise thereto. If, in the meantime, export controls shall fully terminate, then and in that event, this order, and any supplemental order hereunder, shall have no further force or effect.

V. No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general licenses, or otherwise, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph III above, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: February 12, 1953.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 53-1563; Filed, Feb. 16, 1953; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 427]

PUERTO RICO: SPECIAL INDUSTRY COMMITTEE NO. 13

RESIGNATION OF MEMBER; APPOINTMENT OF NEW MEMBER

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignation of Enrique Campos del Toro, as an employer member of Special Industry Committee No. 13 for Puerto Rico, and appoint to serve on said Committee in his stead as employer member John E. Gill, of Caguas, Puerto Rico.

Signed at Washington, D. C., this 11th day of February 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-1529; Filed, Feb. 16, 1953; 8:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

American Modes, Inc., Winchester, Ill., effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (dresses).

American Modes, Inc., Winchester, Ill., effective 2-5-53 to 2-4-54; 10 learners (dresses).

Clayburne Manufacturing Co., Inc., Clayton, Ga., effective 2-15-53 to 8-14-53; 100 learners for expansion purposes (men's dress and sport shirts).

Dale Sportswear Co., 801 Main Street, Honesdale, Pa., effective 2-4-53 to 8-3-53; 15 learners for expansion purposes (knitted sport shirts).

Dale Sportswear Co., 801 Main Street, Honesdale, Pa., effective 2-4-53 to 2-3-54; 10 percent of the productive factory force (knitted sport shirts).

Eastwill Sportswear Co., Inc., Greenwood, S. C., effective 2-2-53 to 2-1-54; 10 percent of the productive factory force (sport shirts).

Gloucester Pants Co., 211 East Main Street, Gloucester, Mass., effective 2-9-53 to 2-8-54; 10 learners (dress trousers).

Goldstein & Levin, 232 Levergood Street, Johnstown, Pa., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (ladies' dresses)

Johnnye Manufacturing Co., Fairfield, Ill., effective 2-9-53 to 2-8-54; 10 learners. This

does not include the employment of learners at subminimum wage rates engaged in the production of skirts (dresses and blouses).

Kennebec Manufacturing Co., Inc., Main Avenue, Gardiner, Maine., effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (children's outer garments of woven and knitted cotton fabrics).

Lafayette Pants Corp., 407 Lafayette Boulevard, Fredericksburg, Va., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (dress and semidress odd trousers).

Lanier Manufacturing Co., Easley, S. C., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (sport shirts).

Little River Garment Co., Cadiz, Ky., effective 2-5-53 to 2-4-54; five learners (dungarees and coveralls).

Litz Manufacturing Co., 666 School Street, Hillsboro, Ill., effective 2-4-53 to 8-3-53; 25 learners for expansion purposes (women's dresses and sportswear).

Mode O'Day Corp., Plant No. 2, 146 Southwest Temple, Salt Lake City, Utah, effective 2-9-53 to 8-8-53; 20 learners for expansion purposes (women's house dresses).

The Monarch Co., 383½ Whitehall Street, Southwest, Atlanta, Ga., effective 2-2-53 to 1-25-54; 10 percent of the productive factory force or 10 learners, whichever is greater (replacement certificate) (longies, jackets, shorts and shirts).

Nanticoke Dress Co., 216 East Broad Street, Nanticoke, Pa., effective 2-4-53 to 2-3-54; 10 learners (dresses and lounging pajamas).

Ottenheimer Bros. Manufacturing Co., Inc., Markham at Victory Street, Little Rock, Ark., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (dresses).

Palmland Fashions, 3240 Northwest Twenty-seventh Avenue, Miami, Fla., effective 2-12-53 to 2-11-54; five learners (men's leisure jackets).

Pittston Frocks, 135 South Main Street, Pittston, Pa., effective 2-4-53 to 2-3-54; five learners (women's, misses' and junior dresses).

Quarles Manufacturing Co., Sanger, Tex., effective 2-6-53 to 2-5-54; 10 learners (men's and boys' work clothing and sportswear).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 2-2-53 to 2-1-54; 10 percent of the productive factory force (men's overalls).

Rocket Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (women's house robes and blouses).

The Salisbury Co., Salisbury, Mo., effective 2-2-53 to 8-1-53; 50 learners for expansion purposes (dress pants and slacks).

Samsons Inc., 122 North Goldsboro Street, Wilson, N. C., effective 2-9-53 to 2-8-54; 10 percent of the productive factory force (sport and dress shirts).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C., effective 2-4-53 to 8-3-53; 50 learners for expansion purposes (cotton work pants, bib overalls, cotton work shirts, dungarees).

Henry I. Siegel Co., Inc., Fulton, Ky., effective 2-14-53 to 2-13-54; 10 percent of the productive factory force (men's and boys' pants).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 2-16-53 to 2-15-54; 10 learners (children's dresses).

Southland Manufacturing Co., Inc., Branch Factory No. 2, Benson, N. C., effective 2-9-53 to 8-8-53; 20 learners for expansion purposes (sport shirts).

Standard Romper Co., Portland Branch Plant, 335 Forest Avenue, Portland, Maine, effective 2-5-53 to 8-4-53; 30 learners for expansion purposes (children's outer garments of woven and knitted cotton fabrics).

J. H. Stern Garment Co., Inc., Seven Valleys, Pa., effective 2-6-53 to 2-5-54; 10 percent of the productive factory force (children's dresses).

Su-Ann Togs, Barnegat, N. J., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (children's dresses).

Tuf-Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark., effective 2-5-53 to 2-4-54; 10 percent of the productive factory force (overalls and jumpers).

Westway Manufacturing Co., 212 West Main Street, Fredericksburg, Tex., effective 2-6-53 to 8-5-53; 25 learners for expansion purposes (boys' shirts and pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Archer Mills, Inc., 1118 Talbotton Avenue, Columbus, Ga., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Bloomsburg Hosiery Mills, Inc., 164 West Ninth Street, Bloomsburg, Pa., effective 2-6-53 to 2-5-54; five learners.

Burlington Mills Corp., Harriman Hosiery Plant, Harriman, Tenn., effective 2-1-53 to 1-31-54; 5 percent of the productive factory force.

Burlington Mills Corp., McLaurin Hosiery Plant, Asheboro, N. C., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Junior Hosiery Mills, Inc., Pearl and Willow Streets, Reading, Pa., effective 2-6-53 to 2-5-54; 5 percent of the productive factory force.

Lawler Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Ga., effective 2-4-53 to 2-3-54; 5 percent of the productive factory force.

Magnet Mills, Inc., Clinton, Tenn., effective 2-22-53 to 2-21-54; 5 percent of the productive factory force.

Ridge Textile Co., 364 Pope Avenue, Athens, Tenn., effective 2-9-53 to 2-8-54; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Athco, Inc., Athens, Ala., effective 2-9-53 to 8-8-53; 25 additional learners for expansion purposes (supplemental certificate) (all nylon, all rayon, and combination of nylon and rayon undergarments, etc.).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa., effective 2-2-53 to 8-1-53; 40 learners for expansion purposes.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Rico Electronics, Inc., Vega Alta, P. R., effective 2-2-53 to 8-1-53; 50 learners; gun assemblers; 160 hours at 35 cents per hour, 320 hours at 40 cents per hour (electron guns for television picture tubes).

The Shawy Handbag Co. of Puerto Rico, Caguas, P. R., effective 1-27-53 to 7-26-53; eight learners; machine sewing operators; 160 hours at 27 cents per hour, 160 hours at 32 cents per hour (corde handbags).

Walden Hosiery Mills of Puerto Rico, Inc., Cidra, P. R., effective 1-26-53 to 3-22-53; 30 learners; knitters, 480 hours; loopers, 480 hours; menders, 240 hours; inspectors, 240 hours; each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of February 1953.

MILTON BROOKE,
Authorized Representative of the Administration.

[F. R. Doc. 53-1530; Filed, Feb. 16, 1953; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

HEARING PROCEDURES

CHANGES TO SPEED ACTION ON COMPETING APPLICATIONS [1]

FEBRUARY 6, 1953.

In order to simplify and expedite the hearing procedures of the Federal Communications Commission, particularly with respect to the hearings to be held on the many mutually exclusive broadcast applications, the Commission has taken the following action:

(1) Amended its rules to require all competing applications for the same facility in broadcast and nonbroadcast services to be on file at least 30 days prior to the starting of the scheduled hearing; (instead of the 20 days previously specified);

(2) Amended its rules to provide that all broadcast hearings will start with a conference of the parties.

The first stated proposal has been accomplished by the amendment of §§ 1.387 (b) (3) and 1.724 (b) of Part 1 of the Commission's rules relating to practice and procedure.

The second step has been accomplished by the addition of a new section to Part 1 of the Commission's rules relating to practice and procedure. The new section specifies that except for good cause found in advance by the Hearing Examiner all broadcast hearings, except those designated for hearing prior to February 4, 1953, will commence on the scheduled date with a conference between the Hearing Examiner, or other presiding officer, and representatives of all parties to the proceeding looking toward agreements on all matters raised with respect to the conduct of the hearing on the applications in question. The parties will be required to come forward at the conference with a statement of all the matters which they will rely upon in the hearing. The Hearing Examiner, or other presiding officer, will issue an order setting forth such matters and the proof to be adduced by the parties will be lim-

[1] See F. R. Doc. 53-1579, Title 47, Chapter I, Part 1, *supra*.

ited by the order unless modified for a cause. The scheduled date of hearing, that is the date on which the hearing conference will be held will be used for the purpose of applying the "30-day rule" (§ 1.387 (b) (3), as now amended).

The latter procedure will be apart from and will in no wise affect the opportunity for pre-hearing conference now provided in § 1.813 of the Commission's rules. The formal hearing conference contemplated by the new section constitutes the commencement of the hearing and affords each party to the proceeding an opportunity to work out mutual problems raised by the hearing process at a time when the identity of all other parties to the proceeding and the issues involved are known definitely.

The foregoing rule changes, governing the conduct of broadcast hearings, are largely prompted by complications in the hearing procedure occasioned by section 309 (b) of the Communications Act, as amended last July by Public Law 554. This section now requires that applicants who face a hearing be notified to that effect and be given an opportunity to reply prior to actual designation for hearing. The effect of this requirement is that many pre-hearing conferences have been held before new parties could be designated for hearing and consolidated in the hearing that had already been designated. The provision that the hearing will commence with a conference, together with the extension of the 20-day rule to 30 days, is intended to remedy this situation. The 30-day period is designed to give the Commission the time it requires to process mutually exclusive applications.

In addition, it is the purpose of the rule changes to establish a procedure to develop and sharpen the genuine issues of a broadcast hearing sufficiently in advance of the adducing of proof to eliminate, in the largest part, the element of surprise, the introduction of unnecessary and cumulative evidence, and the waste of time during the course of the hearing. It is hoped that in this fashion the hearings will be expedited, shortened and will comply fully with the letter and spirit of the recent amendment of the Communications Act. This result will flow from the successful application of the new rule § 1.841 (b) setting forth the requirements that the hearing conference culminate in an order which will control the subsequent proceedings.

The foregoing revisions in existing practice stem from conferences held by representatives of the Commission and the Federal Communications Bar Association for the purpose of ironing out mutual problems and thereby to speed up the administrative process.

Adopted: February 4, 1953.

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1578; Filed, Feb. 16, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1985, G-2013]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 11, 1953.

Notice is hereby given that on February 6, 1953, the Federal Power Commission issued its order entered January 29, 1953, issuing in part certificates of public convenience and necessity in the above-entitled matters; dismissing request for permission and approval of abandonment of certain facilities in Docket No. G-1985, and its supplemental order entered February 5, 1953 relative to these dockets.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1546; Filed, Feb. 16, 1953; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 21]

FINNS POINT RANGE REAR LIGHT STATION, SALEM COUNTY, NEW JERSEY

TRANSFER OF PROPERTY TO SECRETARY OF INTERIOR

Pursuant to the authority granted under the act of May 19, 1948 (62 Stat. 240, 16 U. S. C. 667-B-667-D), notice is hereby given that:

1. By letter of transfer from the Administrator of General Services to the Secretary of the Interior dated August 7, 1952, that property known as Finns Point Range Rear Light Station, Salem County, New Jersey, comprising 1.86 acres of land, and more particularly described in said letter, has been transferred to the Secretary of the Interior.

2. The above described property is transferred to the Secretary of the Interior for migratory bird conservation purposes in accordance with the provisions of said act of May 19, 1948 (62 Stat. 240, 16 U. S. C. 667-B-667-D).

RUSSELL FORBES,
Acting Administrator, of General Services.

FEBRUARY 10, 1953.

[F. R. Doc. 53-1562; Filed, Feb. 16, 1953; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 23]

MUSTARD SEEDS

NOTICE OF INVESTIGATION

Upon application of the Montana State Farm Bureau in behalf of domestic mustard seed growers received February 9, 1953, the United States Tariff Commission, on the 12th day of February 1953, under the authority of section 7 of the Trade Agreements Extension Act of 1951 approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the product described below is, as a result, in whole or in part of the customs treatment reflecting concessions granted on such product under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of product*
Par. 781	Mustard Seeds (Whole).

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 12th day of February 1953.

Issued: February 12, 1953.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-1549; Filed, Feb. 16, 1953; 8:49 a. m.]

[List No. 11-7]

ENCO SALES CORP.

COMPLAINT FILED FOR INVESTIGATION

FEBRUARY 12, 1953.

Complaint as listed below has been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930:

Name of article	Purpose of request	Date received	Name and address of complainant
Multiple compartment cooking pan.	Exclusion from entry	Jan. 27, 1953	Edward I. Utz (Enco Sales Corp.), Dayton, Ohio.

The complaint listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Street NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 53-1550; Filed, Feb. 16, 1953; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegation of authority to Central Office officials* is amended as follows:

Subparagraph 9 of paragraph j is amended as follows:

9. Effective January 6, 1953, the Assistant Commissioner for Development and the Deputy Assistant Commissioner for Development are hereby delegated the power to authorize construction schedules, to make allotments of controlled materials, and to apply or assign to others the right to apply DO ratings and allotment numbers and symbols for procurement of building materials (other than controlled materials) and building equipment, in accordance with the provisions of Revised CMP Regulation No. 6, and to approve or disapprove applications for adjustment or exception under the provisions of Revised CMP Regulation No. 6, with respect to the construction of multi-unit residential structures by Federal, State, and local public agencies.

Date approved: February 6, 1953.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 53-1527; Filed, Feb. 16, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

SUPPLEMENTAL ORDER APPROVING AND DIRECTING PAYMENT OF FEES AND EXPENSES

FEBRUARY 3, 1953.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, and Nassau & Suffolk Lighting Company; File No. 54-136.

The Commission having on November 16, 1949, approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, then a registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company;

The amended plan having provided that the payment of fees and expenses in connection therewith be subject to the approval of the Commission, and the Commission in its order of November 16, 1949, having reserved jurisdiction over the payment of such fees and expenses; and

Applications for allowances of fees and reimbursement of expenses having been filed, a public hearing having been held, a recommended findings and opinion having been filed by the Division of Public Utilities, to which exceptions and supporting briefs were filed by various applicants, and the Commission having heard oral argument; and

The Commission having considered the record and having by orders dated July 30, 1952, and November 24, 1952, released jurisdiction over payment of fees and expenses of certain applicants and having this day issued its findings and opinion with respect to the remaining applications; on the basis of such findings and opinion:

It is ordered, That the payment by Long Island Lighting Company of the following fees and expenses be, and it hereby is, approved and said company be, and it hereby is, authorized and directed to make such payment:

	Fees	Expenses
Long Island Lighting Co. 7 percent and 6 percent preferred stockholders group: Carl C. Brown, statistical adviser	$2,000	$13,166.06
Protective committee for holders of common stock of Long Island Lighting Co.:		
Harold G. Aron, counsel	7,500	5,439.94
B. F. Grizzle, member	500	6.00
Queens Borough Gas & Electric Co. preferred stockholders committee:		
Ivan Wright, member	1,500	

It is further ordered, That the applications of Maurice B. & Daniel W. Blumenthal, and John D. Sullivan, Franklin C. Salisbury, J. Donald Halsted, E. M. Nichols, Robert G. Knott, Raymond A. Ransom, Melvin W. Pettit, and Charlotte J. Pettit (deceased) be, and they hereby are, denied as claims against the Long Island Lighting Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1528; Filed, Feb. 16, 1953; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Amdt. to Notification 9]

PLACEMENT OF PROCUREMENT IN THE POTTSVILLE, PA., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The first paragraph of the findings and recommendation of the Surplus Manpower Committee concerning the Pottsville, Pennsylvania, area under Defense Manpower Policy No. 4 (17 F. R. 2205) is amended to read as follows:

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee under Defense Manpower Policy No. 4, the existence of the Pottsville area as a surplus labor area under standards established by the Secretary of Labor. The Pottsville area is composed of Schuylkill County, that portion of Carbon County comprising the boroughs of Lansford, Summit Hill, Mauch Chunk, and East Mauch Chunk and the township of Mauch Chunk (which includes the communities of Nesquehoning and New Columbus).

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Acting Director.

[F. R. Doc. 53-1609; Filed, Feb. 13, 1953; 3:00 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27793]

COMMODITIES BETWEEN POINTS IN TEXAS (INTERSTATE)

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Junk, viz: scrap iron or steel, in carloads, as described in Item 6060-C of the aforesaid tariff.

Between: Points in Texas, including border points applicable on interstate traffic.

Grounds for relief: Circuity, additional commodities, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1535; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27794]

COAL FROM WESTERN KENTUCKY MINES TO LAWRENCE SIDING, S. DAK.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Lump and fine coal, carloads.

From: Louisville and Nashville Railroad mines in the western Kentucky district.

To: Lawrence Siding, S. Dak.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1224, Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1536; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27795]

WOODPULP FROM THE SOUTH TO CLARENCE CENTRE, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, now powdered, n. o. i. b. n., carloads.

From: Points in southern territory.

To: Clarence Centre, N. Y.

Grounds for relief: Rail competition, circuity, additional destination, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1537; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27796]

VERMICULITE FROM HIGH POINT, N. C. TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, other than crude, carloads.

From: High Point, N. C.

To: Points in southern territory within 250 miles of origin.

Grounds for relief: Rail competition, short or weak line carrier, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 715, Supp. 273.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1538; Filed, Feb. 16, 1953; 8:47 a. m.]

[4th Sec. Application 27797]

MOTOR-RAIL-MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Arthur A. Fogarty, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1539; Filed, Feb. 16, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19164]

JULIANE WAGNER

In re: Interest in real property owned by Juliane Wagner, also known as Juliana Wagner and others. D-28-8215.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Juliane Wagner, also known as Juliana Wagner, Karoline Klink, also known as Karoline Wagner Klink, Rudolf Wagner, also known as Rudolph Wagner, Olga Jonas, also known as Olga Wagner Jonas, Albert Wagner, Lydia Radtke, also known as Lydia Radke and Edmund Wagner, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That Gustav Wagner, also known as Gustav Otto Wagner and as Gustave Wagner, and Wanda Marie Wagner, nee Litke, his wife, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Gustav Wagner, also known as Gustav Otto Wagner and as Gustave Wagner, and of Erdmann Wagner, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

4. That the property described as follows: An undivided twenty three-twenty fourths interest in Lot numbered Fifteen (15), in Block numbered Seven (7) in Hopkins' Subdivision, being a subdivision of part of the South West Quarter (SW ¼) of Section numbered Nineteen (19), in Township numbered Seven (7) North, of Range numbered Twenty two (22) East, in the City and County of Milwaukee, State of Wisconsin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2 and referred to in subparagraph 3 be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1551; Filed, Feb. 16, 1953; 8:49 a. m.]

[Vesting Order 19169]

LOUIS PETERS

In re: Estate of Louis Peters, a/k/a Leo Peplinski, deceased. File No. 017-1374.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anton Peplinski and Agnes Peplinski, nee Becker, whose last known addresses are Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Peplinski, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Louis Peters, a/k/a Leo Peplinski, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Johann Peplinski, deceased, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1504; Filed, Feb. 13, 1953; 8:54 a. m.]

DAVID RUDNAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Davis Rudnai, Berlin, Germany; Claim No. 35729; $502.16 in the Treasury of the United States.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1552; Filed, Feb. 16, 1953; 8:49 a. m.]

EDUARD UDO GUSTAV RUKSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Eduard Udo Gustav Rukser, Quillota, Chile; Claim No. 37136; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,283,285.

Executed at Washington, D. C., on February 9, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1553; Filed, Feb. 16, 1953; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 33

Washington, Wednesday, February 18, 1953

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 562]

PART 70—LOAN INTEREST RATES AND SECURITY

INCREASE IN INTEREST RATE; CENTRAL BANK FOR COOPERATIVES

Effective March 1, 1953, the rates of interest which may be charged by the Central Bank for Cooperatives on loans in the continental United States, as specified in Part 70, Chapter I, Title 6, Code of Federal Regulations[1] are hereby changed as follows:

1. In § 70.4 change to 3¼ per centum per annum.

2. In § 70.5 change to 3 per centum per annum.

3. In § 70.7 change to 4¼ per centum per annum.

Since the needs of farmers' cooperative associations in Puerto Rico are being met by the Baltimore Bank for Cooperatives, with the Central Bank for Cooperatives participating therein when necessary and the rate of interest on the Central Bank's portion of such loans being the same as that charged by the Baltimore Bank for Cooperatives, the rates heretofore established in said sections for loans by the Central Bank for Cooperatives on loans in Puerto Rico are unnecessary. Accordingly, said sections are hereby further changed, effective March 1, 1953, by deleting from each section under the words "Central Bank" the words "Puerto Rico" and the per centum rate specified in the column to the right thereof.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 53-1626; Filed, Feb. 17, 1953; 8:54 a. m.]

[1] 17 F. R. 1493; amended in 17 F. R. 2587, 3221.

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 592]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS APPROVING ETHYLENE DIBROMIDE FUMIGATION AS A CONDITION FOR CERTIFICATION OF CERTAIN FRUITS AND VEGETABLES FOR MOVEMENT FROM HAWAII

Pursuant to the authority conferred upon him by § 301.13–4 (b) of the regulations supplemental to the Hawaiian Fruit and Vegetable Quarantine (Notice of Quarantine No. 13, 7 CFR 301.13) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Chief of the Bureau of Entomology and Plant Quarantine hereby issues administrative instructions to appear as § 301.13–4b in Title 7, Code of Federal Regulations, as follows:

§ 301.13–4b *Administrative instructions approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for movement from Hawaii.* (a) The Chief of the Bureau of Entomology and Plant Quarantine hereby approves ethylene dibromide fumigation, applied in accordance with the provisions of this section, as a treatment for avocado, bell pepper, bitter melon, Cavendish banana, cucumber, papaya, pineapple, string beans, and Zucchini squash. Such fruits and vegetables treated and handled as provided in this section may be certified for movement from the Territory of Hawaii into or through any other Territory, State, or District of the United States.

(b) The fruits and vegetables designated in paragraph (a) of this section may be fumigated in open containers in an approved atmospheric fumigation vault for a period of two hours at a minimum temperature of 70° F. with a dosage of one-half pound of ethylene dibromide per 1,000 square feet of space, including the load.

(Continued on p. 949)

CONTENTS

Page

Agriculture Department
See Entomology and Plant Quarantine Bureau; Farm Credit Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Ajioka, Tokio 974
Bamman, Martin L., and Catherine A. Parker 974
Colsman, Fritz 971
Conversion Office for German Foreign Debts and Luneburg Power, Light and Waterworks, Ltd 972
Dresdner Bank 972
Fahrbach, Karoline 973
Petracek, Anton J 973
van der Leeden, Fanny 974

Civil Aeronautics Board
Rules and regulations:
Repair station certificates; miscellaneous amendments 950

Coast Guard
Notices:
Approval of equipment:
Change in name and address of manufacturer; and correction of prior document 962
Terminations of approvals 965

Commerce Department
See National Production Authority.

Defense Department
See Navy Department.

Defense Materials Procurement Agency
Rules and regulations:
Molybdenum concentrates (MO–8) 956
Tungsten ore (MO–6) 956

Defense Mobilization, Office of
Notices:
Decertification of critical defense housing area; Star Lake, New York, area 971

Entomology and Plant Quarantine Bureau
Rules and regulations:
Domestic quarantine notices; Hawaiian fruits and vegetables; approving ethylene dibromide fumigation 947

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Titles 10–13 ($0.40)
Title 49: Parts 71 to 90 ($0.45)

Previously announced: Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Farm Credit Administration Page
Rules and regulations:
Banks for cooperatives; loan interest rates and security; increase in interest rate; central bank for cooperatives 947

Federal Communications Commission
Notices:
Hearings, etc.:
American Telephone Answering Service et al 968
Corbin, Walter F., et al 968
Darlington Broadcasting Co. 969
Diamond H. Ranch Broadcasters (KDIA) 969
Mackay Radio and Telegraph Co., Inc., and RCA Communications, Inc 966
New York Technical Institute of Cincinnati, Inc., et al 967
Page Boy, Inc., et al 967
Radio Dispatching Service 966
Telanserphone, Inc., et al 966

CONTENTS—Continued

Federal Communications Commission—Continued Page
Proposed rule making:
Aeronautical services 962
Television broadcast stations:
Table of assignments 961
Transmitters and associated equipment; operation; extension of time for filing comments 962
Rules and regulations:
Availability of frequency bands to operational fixed stations:
Industrial radio services 958
Land transportation radio services 958
Public safety radio services 958
Frequency allocations and radio treaty matters; general rules and regulations; table of frequency allocations; footnotes 957
Licensed operator requirements of certain standard and FM broadcasting stations and for remote control operation of such stations:
Commercial radio operators 957
Radio broadcast services 957
Practice and procedure; F. C. C. Form L (annual report of license in domestic public land mobile radio service 956
Temporary assignment of frequencies:
Radio stations in Alaska (other than amateur and broadcast) 957
Stations on shipboard in the maritime service 957

Federal Power Commission
Notices:
Hearings, etc.:
California and Oregon Power Co 970
Michael, Paul S 970
Pacific Gas and Electric Co 970
Pennsylvania Water & Power Co. and Metropolitan Edison Co 970
Roanoke Pipe Line Co 970

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs:
Certification of batches 951
Tests and methods of assay 951

Interstate Commerce Commission
Notices:
Applications for relief:
Plasterboard from points in Texas to Hope, Ark., Monroe and Shops, La 970
Pulpboard from Panama City, Fla., and Georgetown, S. C., to Golden Ring, Md., Fall River, Mass., and Gloucester, N. J 971

Justice Department
See Alien Property, Office of.

CONTENTS—Continued

National Production Authority Page
Rules and regulations:
Ex-allotment acquisition and use of controlled materials sold after commencement of lead time:
Basic rules of the controlled materials plan (CMP Reg. 1, Dir. 20) 955
Construction (CMP Reg. 6, Dir. 10) 956

Navy Department
Rules and regulations:
Personnel; Naval Reserve Officers' Training Corps; miscellaneous amendments 953

Price Stabilization, Office of
Rules and regulations:
Services; window washing and building janitorial services in the New York area (CPR 34, SR 43) 953

Production and Marketing Administration
Proposed rule making:
Milk handling in Fort Wayne, Ind., marketing area 958
Rules and regulations:
Limitations of shipments; Irish potatoes grown in:
Certain designated counties in Idaho and Malheur County, Oreg 949
Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California 950
Washington 950

Securities and Exchange Commission
Notices:
Horton, Robert E., et al.; memorandum opinion and order revoking broker-dealer registrations 971

Treasury Department
See Coast Guard.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter I:
Part 70 947

Title 7
Chapter III:
Part 301 947
Chapter IX:
Part 932 (proposed) 958
Part 957 949
Part 959 950
Part 992 950

Title 14
Chapter I:
Part 52 950

Title 21
Chapter I:
Part 141 951
Part 146 951

Title 32
Chapter VI:
Part 711 953

CODIFICATION GUIDE—Con.

Title 32A	Page
Chapter III (OPS):	
CPR 34, SR 43	953
Chapter VI (NPA):	
CMP Reg. 1, Dir. 20	955
CMP Reg. 6, Dir. 10	956
Chapter XXIII (DMPA):	
MO–6	956
MO–8	956
Title 47	
Chapter I:	
Part 1	956
Part 2	957
Part 3	957
Proposed rules (2 documents)	961, 962
Part 8	957
Part 9 (proposed)	962
Part 10	958
Part 11	958
Part 14	957
Part 16	958

(c) Pineapples in corrugated paper collars, packed in unlined, well-aerated crates may be fumigated in an approved atmospheric fumigation vault for a period of three hours at a minimum temperature of 70° F. with a dosage of three-quarters pound of ethylene dibromide per 1,000 square feet of space, including the load.

(d) Fumigation vaults and equipment used in the treatments specified in this section must be approved for that purpose by the Bureau of Entomology and Plant Quarantine. Such a vault must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The ethylene dibromide must be applied in the liquid state and heated over an electric hot-plate or other suitable means until vaporization is completed. The exposure time of two hours shall be calculated from the time vaporization is completed. A circulating fan shall be kept running in the vault throughout the fumigation period.

(e) The treatments approved in this section and the subsequent handling of the fruits and vegetables so treated must be under the supervision of a plant quarantine inspector of the Bureau of Entomology and Plant Quarantine. Such treated fruits and vegetables must be safeguarded against reinfestation during the period prior to movement from the Territory of Hawaii in a manner satisfactory to the said inspector. Certification of these commodities for such movement will be made only upon compliance with the prescribed treatment and post-treatment safeguards.

(f) All costs of the treatments and prescribed post-treatment safeguards provided for in this section, other than the services of the supervising inspector, shall be borne by the shipper, owner, or person in charge of the fruits and vegetables.

(g) While the treatments approved in this section are judged from experimental tests to be safe for use with the designated fruits and vegetables, the Department of Agriculture or its inspector assumes no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

(h) Tests show that there is no detectable difference between untreated papaya, pineapple, cucumber, Zucchini squash, and bitter melon, and these commodities fumigated as approved in this section, after a minimum storage of 5 to 6 days at 55° F. Fumigated avocados, string beans, bell peppers, and Cavendish bananas show slight though questionable effects, but are considered commercially acceptable.

This section shall be effective on and after February 18, 1953.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The primary purpose of these administrative instructions is to approve ethylene dibromide fumigation as a treatment of certain fruits and vegetables after which fruits and vegetables so treated and handled in accordance with these instructions may be certified for movement from the Territory of Hawaii into or through any other Territory, State, or District of the United States. The Chief of the Bureau of Entomology and Plant Quarantine has determined that the treatments and post-treatment safeguards provided for in these instructions are adequate to prevent the spreading of the plant pests designated in the Hawaiian Fruit and Vegetable Quarantine. These instructions remove restrictions presently imposed, and must be made effective promptly to be of maximum benefit to persons subject to such restrictions. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and such instructions may be made effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of January 1953.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 53–1599; Filed, Feb. 17, 1953; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[957.309 Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602) authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act further authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for potatoes in interstate commerce as will effectuate orderly marketing of such potatoes as will be in the public interest.

Findings. 1. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of other available information, it is hereby found that (i) the average price for such potatoes to producers thereof during the period July 1, 1952 to June 30, 1953, both dates inclusive, will be in excess of the parity price to producers of such potatoes, and therefore, § 957.309 (17 F. R. 5639, 5809) no longer will tend to effectuate the declared policy of the act during the aforementioned period, and (ii) the amended limitation of shipments, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such potatoes as will effectuate such orderly marketing of such potatoes as will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) section 2 of the act authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish, (ii) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective as required by section 2 of the act is insufficient and (iii) this section relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

Order, as amended. The provisions of subparagraph (1) of paragraph (b) of § 957.309 (17 F. R. 5639, 5809) are hereby amended to read as follows:

(b) *Order.* (1) Beginning on the date of issuance of this order and ending on 12:01 a. m., m. s. t., July 1, 1953, no handler shall ship (i) potatoes of the Russet-Burbank or long white varieties unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum or larger diameter or 3 ounces minimum weight, or (ii) potatoes of any other variety unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1½ inches minimum or larger diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 13th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1629; Filed, Feb. 17, 1953; 8:55 a. m.]

[959.308 Amdt. 1]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602) authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act further authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for potatoes in interstate commerce as will effectuate orderly marketing of such potatoes as will be in the public interest.

Findings. 1. Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath and Lake in Oregon, and Modoc and Siskiyou in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of other available information, it is hereby found that (i) the average price for such potatoes to producers thereof during the period July 1, 1952 to June 30, 1953, both dates inclusive, will be in excess of the parity price to producers of such potatoes, and therefore, § 959.308 (17 F. R. 7447) no longer will tend to effectuate the declared policy of the act during the aforementioned period, and (ii) the amended limitation of shipments, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such potatoes as will effectuate such orderly marketing of such potatoes as will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) section 2 of the act authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish, (ii) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective as required by section 2 of the act is insufficient, and (iii) this section relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

Order, as amended. The provisions of subparagraph (1) of paragraph (b) of § 959.308 (17 F. R. 7447) are hereby amended to read as follows:

(b) *Order.* (1) Beginning on the date of issuance of this order and ending on 12:01 a. m., m. s. t., July 1, 1953, no handler shall ship potatoes of any variety unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1½ inches minimum or larger diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 13th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1627; Filed, Feb. 17, 1953; 8:54 a. m.]

[992.307 Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

Section 2 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 602) authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish. Section 2 of the act further authorizes the Secretary of Agriculture to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements for potatoes in interstate commerce as will effectuate orderly marketing of such potatoes as will be in the public interest.

Findings. 1. Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of other available information, it is hereby found that (i) the average price for such potatoes to producers thereof during the period June 1, 1952 to May 31, 1953, both dates inclusive, will be in excess of the parity price to producers of such potatoes, and therefore, § 992.307 (17 F. R. 5455) no longer will tend to effectuate the declared policy of the act during the aforementioned period, and (ii) the amended limitation of shipments, as hereinafter provided, will establish and maintain minimum standards of quality and maturity for such potatoes as will effectuate such orderly marketing of such potatoes as will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) section 2 of the act authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish, (ii) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective as required by section 2 of the act is insufficient, and (iii) this section relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

Order as amended. The provisions of subparagraph (1) of paragraph (b) of § 992.307 (17 F. R. 5455) are hereby amended to read as follows:

(b) *Order.* (1) Beginning on the date of issuance of this order and ending on 12:01 a. m., m. s. t., June 1, 1953, no handler shall ship potatoes of any variety unless such potatoes meet the requirements of the U. S. No. 2 or better grade, 1½ inches minimum or larger diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 13th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1628; Filed, Feb. 17, 1953; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 1, Amdt. 1]

PART 52—REPAIR STATION CERTIFICATES

MISCELLANEOUS AMENDMENTS

The purpose of this supplement is to make certain editorial changes and corrections to Supplement 1 published on June 4, 1952, in 17 F. R. 5002-5014, and to delete CAA policies regarding the equipment list required with an application for repair station certificate, as well as certain equipment and material requirements for a powerplant rating, Class 1.

Substantive rule alterations are minor and do not impose additional burdens on interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required.

The following amendments are hereby adopted:

1. Section 52.5-1 (b) (2) is amended by adding the word "pitch" to the last sentence.

2. Section 52.21-1 (a) is amended by deleting the words "successful and" appearing in the last line.

3. Section 52.21–2 (b) is amended by substituting the word "separated" for the word "segregated" in the second sentence.

4. Section 52.21–2 (f) is amended by substituting the words "quality of work" for the words "physical efficiency of the workers" in the first sentence.

5. Section 52.21–3 (d) is amended by revising the second sentence to read: "Where air conditioning is not installed in the shop allocated to final assembly, such space must be reasonably dust free."

6. Section 52.22–1 (d) is amended by substituting the word "acceptable" for the word "appropriate" in the second sentence, and revising the last sentence to read: "However, the inspecting agent may, at his discretion, determine such competency and ability by requesting the submission of employment and experience records of the individual or by personal examination or test."

7. Section 52.24–1 (a) is amended by substituting the word "provide" for the words "attach to the application" in the first sentence, and by substituting the word "provided" for the word "given" in the fourth sentence.

8. Section 52.25–1 (e) is amended by deleting the word "new" from the third sentence.

9. Section 52.30–2 is deleted in its entirety.

10. Section 52.32–1 (b) (1) is amended by deleting the words "Abrasive air blasting of parts."

11. Section 52.32–1 (b) (2) is amended by substituting "Magnetic, fluorescent, and other acceptable inspection aids," for "Magnetic, fluorescent, and visual inspection of parts", and by adding an asterisk. An asterisk is also added after "Balancing of parts."

12. Section 52.32–1 (b) (5) is amended by deleting the entire third sentence.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 607, 608, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557, 558)

This supplement shall become effective March 1. 1953.

[SEAL] F. B. LEE,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 53–1610; Filed, Feb. 17, 1953; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PENICILLIN AND DIHYDROSTREPTOMYCIN-STREPTOMYCIN SULFATES, PROCAINE PENICILLIN IN DIHYDROSTREPTOMYCIN-STREPTOMYCIN SULFATES SOLUTION; DIHYDROSTREPTOMYCIN-STREPTOMYCIN SULFATES

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp. 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp. 146) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.60 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*—(a) *Potency*—(1) *Sodium or potassium penicillin content, total penicillin content, procaine penicillin content.* Proceed as directed in § 141.39 (a) (1), (2), and (3).

(2) *Combined potency of dihydrostreptomycin and streptomycin, content of streptomycin.* Proceed as directed in § 141.118 (a) and (b).

(b) *Sterility, toxicity, pyrogens, pH.* Proceed as directed in §§ 141.39 (b) and (c), 141.104 and 141.5 (b).

(c) *Moisture.* If it contains procaine penicillin proceed as directed in § 141.26 (e). If it does not contain procaine penicillin proceed as directed in § 141.5 (a).

§ 141.118 Dihydrostreptomycin-streptomycin sulfates—(a) *Potency.* Proceed as directed in § 141.108 (a). Its total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin that it is represented to contain.

(b) *Content of streptomycin sulfate.* Proceed as directed in § 141.108 (b), making appropriate dilutions so that the aliquot used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated) and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under paragraph (a) of this section.

(c) *Sterility, toxicity, pyrogens, histamine, moisture, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in §§ 141.102, 141.103, 141.104, 141.105, and 141.106.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

2. Part 146 is amended by adding the following new sections:

§ 146.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution*—(a) *Standards of identity, strength, quality, and purity.* Penicillin and dihydrostreptomycin-streptomycin sulfates and procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution conform to the standards prescribed by § 146.113 (a) for dihydrostreptomycin-streptomycin sulfates, except that:

(1) It contains dry procaine penicillin, crystalline sodium penicillin or potassium penicillin, or a mixture of any combination of such salts, or it contains procaine penicillin suspended in an aqueous solution of dihydrostreptomycin-streptomycin sulfates. The procaine penicillin used conforms to the requirements prescribed by § 146.44 (a). The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146.24 (a).

(2) It may contain suitable and harmless buffer substances, preservatives, suspending, dispersing, and stabilizing agents. Each such substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) The moisture content of the dry mixture is not more than 3.5 percent, except if it contains procaine penicillin its moisture content is not more than 4.2 percent.

(4) The *p*H of a solution or a suspension prepared as directed in its labeling is not less than 5.0 and not more than 7.5.

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146.113 (b), except that each immediate container or each milliliter shall contain not less than 300,000 units of penicillin, 0.25 gram dihydrostreptomycin, and 0.25 gram streptomycin.

(c) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 146.101 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of units of each salt of penicillin, the number of grams of dihydrostreptomycin, and the number of grams of streptomycin in the immediate container.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.113 (d) (1), a person who requests certification of a batch shall submit a statement showing the dates on which the latest assays of the penicillin used in making the batch were completed (unless they were previously submitted), the batch marks, and the content of each salt of penicillin in each container.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request, results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; content of each salt of penicillin, content of dihydrostreptomycin and streptomycin, sterility, toxicity, pyrogens, moisture (if it is the dry mixture), and *p*H.

(ii) The procaine penicillin used in making the batch; potency, crystallinity, penicillin K content (unless it is penicillin G) and the penicillin G content if it is procaine penicillin G.

(iii) The crystalline sodium or potassium penicillin used in making the batch; potency, crystallinity, heat stability, pencillin K content (unless it is crystalline penicillin G), and the penicillin G content if it is crystalline penicillin G.

(iv) The dihydrostreptomycin and streptomycin used in making the batch;

potency, histamine content, and crystallinity if it is crystalline dihydrostreptomycin.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 13 or more than 19 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The procaine penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146.44 (b).

(iii) The crystalline penicillin used in making the batch; 3 packages containing approximately equal portions of not less than 250 milligrams, each packaged in accordance with the requirements of § 146.24 (b).

(iv) The dihydrostreptomycin and streptomycin used in making the batch; 3 packages of each salt containing approximately equal portions of not less than 0.5 gram, each packaged in accordance with the requirements of § 146.101 (b).

(v) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) If such batch is packaged for repacking such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 13 approximately equal portions of at least 2.0 grams.

(ii) For sterility testing; 10 approximately equal portions of at least 0.5 gram.

Each such portion shall be taken from a different part of such batch and each shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii), (iii), and (iv) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), and (iv) of this paragraph is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations for this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), and (v) and (4) (i) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigation.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.113 *Dihydrostreptomycin-streptomycin sulfates*—(a) *Standards of identity, strength, quality, and purity.* Dihydrostreptomycin-streptomycin sulfates is a mixture of equal parts of dihydrostreptomycin sulfate and streptomycin sulfate. It is so purified and dried that:

(1) It is sterile.

(2) It is nontoxic.

(3) It is nonpyrogenic.

(4) It contains no histamine or histamine like substance.

(5) Its moisture content is not more than 5 percent.

(6) Its *p*H in an aqueous solution containing 0.1 gram of dihydrostreptomycin and 0.1 gram of streptomycin per milliliter is not less than 4.5 and not more than 7.0.

The dihydrostreptomycin sulfate used conforms to the standards prescribed by § 146.103, except the standards for streptomycin content. The streptomycin sulfate used conforms to the standards prescribed by § 146.101 (a).

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146.101 (b), except that in case it is packaged for dispensing each immediate container shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 gram of streptomycin or multiples of each such salt up to and including 5.0 grams of dihydrostreptomycin and 5.0 grams of streptomycin.

(c) *Labeling.* It shall be labeled in accordance with the requirements prescribed by § 146.101 (c), except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin and the total number of grams of both salts in the immediate container.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch marks, and (unless they were previously submitted) the dates on which the latest assays of the dihydrostreptomycin and streptomycin used in making the batch were completed, the content of dihydrostreptomycin and streptomycin in each container, and the date on which the latest assay of the drug comprising such batch was completed. If such batch or any part thereof is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements described therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; content of dihydrostreptomycin and streptomycin, sterility, toxicity, pyrogens, histamine content, moisture, and *p*H.

(ii) The dihydrostreptomycin and streptomycin used in making the batch; potency, and if crystalline dihydrostreptomycin is used, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in the batch but in no case less than 6 or more than 12 immediate containers.

(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dihydrostreptomycin used in making the batch; 2 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.101 (b).

(iii) The streptomycin used in making the batch; one package containing approximately 0.5 gram packaged in accordance with the requirements of § 146.101 (b).

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 6 packages.

(ii) For sterility testing: 10 packages.

Each such package shall contain not less than 0.5 gram of dihydrostreptomycin and 0.5 gram of streptomycin taken from different parts of such batch, and each shall be packaged in accordance with the requirements of § 146.101 (b).

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraphs (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $10.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*) and (4) (i) of this section; $4.00 for each sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for tests and methods of assay and certification of penicillin and dihydrostreptomycin-streptomycin sulfates, procaine penicillin in dihydrostreptomycin-streptomycin sulfates solution, and dihydrostreptomycin-streptomycin sulfates, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Dated: February 13, 1953.

[SEAL] OVETA CULP HOBBY, *Administrator.*

[F. R. Doc. 53-1607; Filed Feb. 17, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 711—NAVAL RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

1. Section 711.306 (b) is amended to read as follows:

(b) *Annual medical examination.* The Professor of Naval Science shall require each student enrolled in the NROTC to be physically examined during the period January–April of each year, and Standard Form 88, in duplicate, and one copy of Standard Form 89, shall be forwarded as in paragraph (a) of this section. Each copy of the Standard Form 88 and 89 shall contain the student's file number. This examination may be given at the same time as the pre-graduation medical examination required by paragraph (e) of this section, and shall include a roentgenographic examination of the chest. The Standard Form 88 of each student with an upper level designator will be clearly marked "Supply Science or Marine Corps Science" student as appropriate.

2. Section 711.509 (f) is amended to read as follows:

(f) For the purposes of preparing the graduation reports required by § 711.314 (b), the class standing of each student commissioned shall be determined by a final multiple in which the total Aptitude for the Service marks will be given a weight of 1, the average of all marks in Naval Science courses a weight of 4, and the average of all marks in academic courses other than Naval Science taken while enrolled in the NROTC program, a weight of 4. The total Aptitude for the Service shall be calculated, as indicated below, by weighting the aptitude marks (a, b, c and d) earned during each of the four years of NROTC training, the cruise mark where applicable being given equal weight with the final aptitude mark covering the entire academic year immediately preceding. The final class standing of a student in the program four or more years shall be determined, therefore, according to the following formula:

$$S=(0.1a+0.2b+0.3c+0.4d)+4N+4G,$$

where

S = the number used in determining final class standing on commissioning;
a = the average of the aptitude mark for the first (normally freshman) academic year of NROTC training and the aptitude mark for the cruise following that year (if made);
b = the average of the aptitude mark for the second (normally sophomore) academic year of NROTC training and the aptitude mark for the cruise following that year (if made);
c = the average of the aptitude mark for the third (normally junior) academic year of NROTC training and the aptitude mark for the cruise following that year (if made);
d = the aptitude mark for the fourth academic year of NROTC training. However, if a cruise is made in the summer following graduation, the aptitude mark shall be the average of the aptitude mark for the last academic year of NROTC training and the aptitude mark for the cruise following that year;
N = the average per credit hour of all Naval Science courses marks, and
G = the average per credit hour of all academic course marks other than Naval Science while enrolled in the NROTC program. Both passing and failing marks shall be included.

3. Section 711.509 (g) is amended to read as follows:

(g) If, for any reason, a student does not participate in a particular cruise, the aptitude mark for that year (*a*, *b*, or *c*, above) shall be the aptitude mark earned during the academic year. Use of the formula indicated will result in 30 percent of the final over-all aptitude mark being derived from the three cruises for most Regular students; whereas in the case of most Contract students, 15 percent from the one cruise.

4. A new paragraph designated (h) is added to § 711.509 to read as follows:

(h) In calculating the final class standing of a student who has been under NROTC training for fewer than four years, the Professor of Naval Science shall determine the final aptitude average according to the following formulas:

(1) If a Regular student is in the program for three years only and makes a cruise after each academic year:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

(2) If a Contract student is in the program for three years only and makes a cruise after his second year in the program:

$$S=(0.2a+0.4b+0.4c)+4N+4G$$

(3) If a Contract student is in the program for three years only and makes a cruise after his third year in the program:

$$S=(0.2a+0.3b+0.5c)+4N+4G$$

5. A new paragraph designated (i) is added to § 711.509 to read as follows:

(i) The Professors of Naval Science may desire to calculate class standings at the end of each year in order that such standings may be used in selecting student officers. Cumulative class standings may be calculated at the end of any year by modifying the formula given in paragraph (f) of this section, as follows:

S_1 = cumulative class standing at beginning of second year of NROTC training;
S_2 = cumulative class standing at beginning of third year of NROTC training;
S_3 = cumulative class standing at beginning of fourth year of NROTC training.

(Sec. 22, 43 Stat. 1276, as amended; 34 U. S. C. 821)

ROBERT B. ANDERSON, *Secretary of the Navy.*

FEBRUARY 10, 1953.

[F. R. Doc. 53-1576; Filed, Feb. 17, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 43]

CPR 34—SERVICES

SR 43—WINDOW WASHING AND BUILDING JANITORIAL SERVICES IN THE NEW YORK AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2 this Supplementary Regulation 43 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 43 to Ceiling Price Regulation 34 conditionally authorizes sellers of window washing and building janitorial services in the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau and Suffolk, in the State of New York, hereinafter called the "New York Area", to charge their customers for such services rendered after certain dates, tentative increased ceiling prices based upon increased direct labor costs and fringe benefits actually incurred since March 12, 1952, and those which they probably will incur retroactively as a result of

wage negotiations pending on December 1, 1952. Such increased tentative ceiling prices may be charged only on condition that the seller agree with the customers to whom he charges such increased tentative prices that he will repay to them the amount, if any, by which the tentative prices charged exceed the sellers lawful ceiling prices as finally computed by the seller, pursuant to this Supplementary Regulation, after the conclusion of the said negotiations, for the period during which the services were rendered, on the basis of the direct labor wage increases and direct labor fringe benefits he has granted retroactively.

The Director takes notice of and recognizes the practice in this industry of charging customers, after wage negotiations have been entered into, tentative prices which include a factor for probable retroactive wage increases, leaving the final prices to be determined on the basis of the wage increases which are actually granted retroactive to the time the services were performed. It appears that the direct labor costs of rendering these services range from 60 to 80 percent of sales price; that these suppliers normally operate on a very small earnings margin; that in general they do not have the financial capacity to absorb wage increases; and that increased labor costs necessitate concurrent increases in their sales prices if undue interference with the effective operation of these service businesses is to be avoided.

In the formulation of this supplementary regulation there was consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this Supplementary Regulation to Ceiling Price Regulation 34 are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Tentative prices.
4. Ceiling prices.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation conditionally authorizes increased tentative prices for window washing and building janitorial services, rendered in the New York Area by suppliers located there, pending the termination of certain wage negotiations, and provides a means of calculating the final ceiling prices for such services upon termination of those negotiations.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as changed by the provisions of this supplementary regulation, shall remain in effect with respect to suppliers of services covered by this supplementary regulation. This supplementary regulation supersedes all letter authorizations heretofore issued under section 21 of Ceiling Price Regulation 34 to individual sellers of window washing and building janitorial services in the New York area.

SEC. 3. *Tentative prices.* If you are located in the New York area and supply window washing or building janitorial services, or both, in that area, you may increase your prices, tentatively, for such services rendered under each of your contracts on and after the dates specified below and until 21 days after the termination of all wage negotiations specified below, as follows:

(a) By the amount by which the direct labor wage increase of $5.00 per week, and direct labor fringe benefits, you granted to window cleaners who are members of Local 2 of the Building Service Employees International Union, A. F. of L., effective on or about October 18, 1952, increases your costs, reasonably allocable to that contract, of performing such services rendered on and after December 1, 1952;

(b) By the amount by which the direct labor wage increases, and direct labor fringe benefits, which could reasonably be expected to result from the wage negotiations pending December 1, 1952, on behalf of some of your employees with Local 32J, Building Service Employees International Union, A. F. of L., would, if granted retroactively, increase your costs, reasonably allocable to that contract, of performing such services rendered on and after December 1, 1952;

(c) By the amount by which the direct labor wage increases, and direct labor fringe benefits, which could reasonably be expected to result from the wage negotiations pending December 1, 1952, with Local 32B, Building Service Employees International Union, A. F. of L., on behalf of some of your employees, would, if granted retroactively, increase your costs, reasonably allocable to that contract, of performing such services rendered on and after January 1, 1953:

Provided, however, That you agree with the customers for whom you perform services at these increased prices that you will refund to them the amount, if any, by which these increased prices exceed your lawful ceiling prices for the period during which the services were rendered, as computed by you pursuant to section 4 of this supplementary regulation.

SEC. 4. *Ceiling prices.* If you are located in the New York area, and supply window washing or building janitorial services, or both in that area, upon termination of the wage negotiations referred to in section 3, you are authorized to increase your ceiling prices in effect immediately before the effective date of this supplementary regulation, for such services, rendered under each of your contracts on and after the dates specified below, as follows:

(a) By the amount by which the direct labor wage increase of $5.00 per week, and direct labor fringe benefits you granted to window cleaners who are members of Local 2 of the Building Service Employees International Union, A. F. of L., effective on or about October 18, 1952, increase your costs, reasonably allocable to that contract, of performing such services rendered on and after December 1, 1952;

(b) By the amount by which the direct labor wage increases and direct labor fringe benefits which you granted to those of your employees who are members of Local 32J, Building Service Employees International Union, A. F. of L., as a result of wage negotiations pending December 1, 1952, have increased your costs, reasonably allocable to that contract, of performing such services rendered on and after December 1, 1952.

(c) By the amount by which the direct labor wage increases and direct labor fringe benefits which you granted to those of your employees who are members of Local 32B, Building Service Employees International Union, A. F. of L., as a result of wage negotiations pending December 1, 1952, have increased your costs, reasonably allocable to that contract, of performing such services on and after January 1, 1953.

SEC. 5. *Definitions.* (a) When used in this supplementary regulation:

(1) "Building janitorial services" shall include cleaning, washing and waxing of floors; vacuum cleaning and shampooing carpets, rugs and hangings in buildings; low and high cleaning of furniture and fixtures; furniture polishing; wall and partition washing; interior and exterior metal polishing; washing blinds, shaded and electrical fixtures; cleaning lavatories or rest rooms; and furnishing porters, matrons, elevator operators and similar types of operating personnel in all types of buildings. The term does not include pest control services, such as exterminating, fumigating or disinfecting services; any exterior cleaning other than metal polishing; or the performance of any construction or related services, such as alterations, painting, decorating or redecorating.

(2) "Window washing services" means the washing and cleaning of sash, casement and plate glass windows, glass partitions and glass doors.

(3) "Contracts" means written contracts or memoranda, data or records evidencing arrangements to supply or that you have supplied to your purchasers for a stated sum window washing or building janitorial services in the New York Area.

(4) "Direct labor" means the labor which is used physically to perform the window washing or building janitorial services in the New York Area and does not include the performance of services in an executive, supervisory, general administrative or sales capacity. "Direct labor wage increases" means the wage increases for such direct labor and does not include direct labor fringe benefits as defined herein or any other labor costs.

(5) "Direct labor fringe benefits" means direct labor costs other than wages and includes Federal social secu-

rity taxes, Federal and New York State unemployment insurance taxes, New York State health insurance taxes, vacation and holiday pay, workmen's compensation and public liability insurance premiums, and supervisory pay of foremen to the extent they are not direct labor employees.

(6) "New York Area" means the Counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Nassau, and Suffolk.

Effective date. This Supplementary Regulation 43 shall become effective February 16, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1644; Filed, Feb. 16, 1953; 12:31 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 20 of February 16, 1953]

CPM REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 20—EX-ALLOTMENT ACQUISITION AND USE OF CONTROLLED MATERIALS SOLD AFTER COMMENCEMENT OF LEAD TIME

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Definitions.
3. Applicability of other regulations and orders.
4. Sales of controlled materials by producers after commencement of lead time.
5. Purchases of controlled materials by distributors after commencement of lead time and sales of such controlled materials.
6. Acquisition of controlled materials by persons who place unrated orders.
7. Use of controlled materials acquired by persons pursuant to unrated orders.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which controlled materials producers may accept unrated orders for controlled materials after the commencement of lead time, and explains how persons may obtain and use such controlled materials without charging allotment authority.

SEC. 2. *Definitions.* As used in this direction:

(a) "Controlled materials distributor" means (1) a steel distributor as defined in, and who operates under the provisions of, NPA Order M-6A; (2) a brass mill products distributor as defined in, and who operates under the provisions of, NPA Order M-82; (3) a copper wire mill products distributor as defined in, and who operates under the provisions of, NPA Order M-86; or (4) an aluminum distributor as defined in, and who operates under the provisions of, NPA Order M-88.

(b) "Unrated order" means a delivery order for controlled materials which is not an authorized controlled material order, a fabrication order pursuant to NPA Order M-5, or a certified order pursuant to NPA Order M-6A, but which may be placed and accepted pursuant to the provisions of this direction.

SEC. 3. *Applicability of other regulations and orders.* The provisions of all CMP regulations and of all other NPA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

SEC. 4. *Sales of controlled materials by producers after commencement of lead time.* (a) Subject to the provisions of paragraphs (b) and (c) of this section, a controlled materials producer may, on and after the date of commencement of lead time for a particular controlled material product, accept unrated orders calling for delivery of such product during the month to which such lead time is applicable: *Provided, however,* That such unrated orders shall be accepted only when they call for delivery after the month of February 1953.

(b) A controlled materials producer may produce and make delivery against any unrated order accepted in accordance with the provisions of paragraph (a) of this section, provided such production and delivery is in accordance with and does not violate any production directives and other directives which have been or may be issued from time to time to such producer by NPA, or does not interfere with the acceptance and filling of orders which such producer is required to accept pursuant to any regulation or order of NPA.

(c) Unrated orders accepted in accordance with the provisions of paragraph (a) of this section for delivery during a particular month but which will not be, or are not, shipped during such month, shall not be deemed carry-over orders in determining required order acceptance or shipment in succeeding months for the purposes of CMP Regulation No. 1 and of NPA Orders M-1, M-5, or M-11, as the case may be.

SEC. 5. *Purchases of controlled materials by distributors after commencement of lead time and sales of such controlled materials.* (a) A controlled materials distributor may place unrated orders for a particular controlled material product with a controlled materials producer on and after the date of commencement of lead time for such product, and which call for delivery of such product during the month to which such lead time is applicable: *Provided, however,* That such unrated orders may call for delivery only after the month of February 1953.

(b) A controlled materials distributor who acquires controlled materials pursuant to the provisions of paragraph (a) of this section shall maintain separate records of his purchases and sales of such controlled materials, but need not physically segregate such controlled materials from other controlled materials in his inventory. He may sell an equivalent quantity of each such controlled material product against unrated orders. In selling any such controlled material products against an unrated order he shall furnish the purchaser with a statement reading substantially as follows:

The controlled materials covered by this invoice are sold pursuant to the provisions of Direction 20 to CMP Regulation No. 1.

The statement shall be signed as provided in NPA Reg. 2, and shall appear on the invoice or on a separate piece of paper attached to the invoice or clearly identifying it.

SEC. 6. *Acquisition of controlled materials by persons who place unrated orders.* Any person may place unrated orders for a particular controlled material product with a controlled materials producer on and after the date of commencement of lead time for such product, and which call for delivery of such product during the month to which such lead time is applicable: *Provided, however,* That such unrated orders may call for delivery only after the month of February 1953. He may also place unrated orders with a controlled materials distributor calling for delivery, after the month of February 1953, of controlled materials which such distributor has acquired pursuant to the provisions of section 5 of this direction.

SEC. 7. *Use of controlled materials acquired by persons pursuant to unrated orders.* Any person who acquires controlled materials in accordance with the provisions of section 6 of this direction may use such controlled materials for any purpose not prohibited by any regulation or order of NPA. He need not charge such controlled materials against any allotment or authority to place orders for controlled materials (including automatic allotment, self-authorization, and quota).

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect February 16, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1652; Filed, Feb. 16, 1953; 3:21 p. m.]

[Revised CMP Regulation No. 6, Direction 10 of February 16, 1953]

CMP REG. 6—CONSTRUCTION

DIR. 10—EX-ALLOTMENT ACQUISITION AND USE OF CONTROLLED MATERIALS SOLD AFTER COMMENCEMENT OF LEAD TIME

This direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Applicability of other regulations and orders.
3. Commencement or continuance of construction.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons engaged in construction projects may commence or continue construction of their construction projects, and obtain controlled materials after the commencement of lead time and use the same, without charging allotment authority.

SEC. 2. *Applicability of other regulations and orders.* (a) All of the provisions of Direction 20 to CMP Regulation No. 1, issued February 16, 1953, are hereby incorporated in this direction with the same force and effect as if they were here set forth in full, and apply to this direction and to Revised CMP Regulation No. 6.

(b) The provisions of Revised CMP Regulation No. 6, and of NPA Orders M–46, M–46A, M–46B, M–50, and M–77, and of any other NPA regulations or orders, including the directions and amendments thereto, heretofore issued, are superseded to the extent that they are inconsistent with the provisions of this direction, or of Direction 20 to CMP Regulation No. 1. In all other respects, the provisions of all NPA regulations and orders, including the directions and amendments thereto, heretofore issued, shall remain in full force and effect.

SEC. 3. *Commencement or continuance of construction.* If any person obtains controlled materials required for a construction project by use of unrated orders placed pursuant to the provisions of Direction 20 to CMP Regulation No. 1, issued February 16, 1953, or to this direction, he may commence or continue construction of his construction project without an authorized construction schedule.

This direction shall take effect February 16, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1653; Filed, Feb. 16, 1953; 3:21 p. m.]

Chapter XXIII—Defense Materials Procurement Agency

[Mineral Order 6, Amdt. 1]

MO–6 TUNGSTEN ORE

MISCELLANEOUS AMENDMENTS

Explanation. The primary purpose of this amendment is to suspend the allocation provisions of this order. Following the effective date of this amendment delivery and acceptance of tungsten ore may be made without regard to the provisions of this order, subject to certain exceptions.

Mineral Order 6 is amended as follows:

1. The provisions of this order, insofar as they relate to the delivery, acceptance, use and consumption of tungsten ore, are hereby suspended: *Provided, however,* That this suspension shall not apply to the following:

(a) Tungsten ore of foreign origin (herein defined as tungsten ore produced outside the United States, its Territories and possessions) offered for sale by the General Services Administration;

(b) The provisions of section 8 of this order.

2. Delete the phrase "Defense Minerals Administration" wherever it appears in the order and in lieu thereof substitute the phrase "Defense Materials Procurement Agency".

3. Delete the phrase "Form MF–4" wherever it appears in the order and in lieu thereof substitute the phrase "DMPA Form 25".

4. Delete the phrase "Form MF–5" wherever it appears in the order and in lieu thereof substitute the phrase "Form 6–1142–M".

5. Delete the phrase "Form MF–6" wherever it appears in the order and in lieu thereof substitute the phrase "Form 6–1140–M".

This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. 2154)

Dated: February 13, 1953.

HOWARD I. YOUNG,
Deputy Administrator.

[F. R. Doc. 53–1690; Filed, Feb. 17, 1953; 12:02 p. m.]

[Mineral Order 8, Amdt. 1]

MO–8—MOLYBDENUM CONCENTRATES

MISCELLANEOUS AMENDMENTS

Explanation. The primary purpose of this amendment is to suspend the provisions of this order insofar as the order relates to domestic use and consumption of molybdenum concentrates. Following the effective date of this amendment domestic producers and users of molybdenum concentrates may use and consume such material without restriction. Deliveries of molybdenum concentrates for foreign use and consumption are not affected by this amendment.

Mineral Order 8 is amended as follows:

1. The provisions of this order insofar, but only insofar, as they relate to the domestic use and consumption of molybdenum concentrates are hereby suspended: *Provided, however,* That the directive provisions of section 5 of this order may, at any time, at the discretion of the Defense Materials Procurement Agency, be invoked.

2. Delete the name "Defense Minerals Administration" wherever it appears in the order and in lieu thereof substitute the name "Defense Materials Procurement Agency".

3. Delete the whole of paragraph (a) of section 4 of the order and in lieu thereof substitute the following:

(a) Applications of foreign consumers (herein defined as consumers located outside the continental United States and the Dominion of Canada) shall be filed with the Office of International Trade, Washington, D. C. Applications of consumers located in the Dominion of Canada shall be filed with the Department of Defense Production, Ottawa, for forwarding to the Canadian Division of the National Production Authority. Such applications shall meet the informational and filing requirements contained in section 3 of this order and such other requirements as the aforesaid Government Agencies may prescribe.

This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. 2154)

Dated: February 13, 1953.

HOWARD I. YOUNG,
Deputy Administrator.

[F. R. Doc. 53–1691; Filed, Feb. 17, 1953; 12:02 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10357]

PART 1—PRACTICE AND PROCEDURE

F. C. C. FORM L (ANNUAL REPORT OF LICENSEE IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE)

In the matter of amendment of F. C. C. Form L (Annual Report of Licensee in Domestic Public Land Mobile Radio Service);[1] Docket No. 10357.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration its proposal to amend Form

L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service; and

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making in this regard was duly published in the FEDERAL REGISTER on December 20, 1952 (17 F. R. 11668), and that the period in which interested persons were afforded an opportunity to submit comments with respect to this matter expired on January 16, 1953; and

It further appearing, that no comments with respect to this matter have been received; and

It further appearing, that authority for the issuance of this amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended; and

It further appearing, that it is desirable to make the new form available immediately so that the respondents required to use it may commence the preparation of the responses due by March 31, 1953;

It is ordered, That effective immediately, Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service, is amended as set forth in the appendix attached hereto;[1] and

It is further ordered, That each licensee required to report on Form L shall file such report for the year 1952, and for each subsequent year, until further notice, not later than 90 days after the close of the year for which the report is made.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1587; Filed, Feb. 17, 1953; 8:47 a. m.]

[Docket No. 10367]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; FOOTNOTES

In the matter of deletion of footnote 207 to § 2.104 (a) of the Commission's rules and regulations, and amendment of footnotes US11 and US18 to § 2.104 (a) of the Commission's rules; Docket No. 10367.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration its notice of proposed rule making adopted on January 2, 1953, in the above entitled matter, amending footnotes US11 and US18, and deleting footnote 207;

It appearing, that public comments on the proposal were requested to be submitted not later than January 19, 1953; and;

It further appearing, that the only comment filed was by Aeronautical Radio Inc. which supported the proposal;

It is ordered, That pursuant to the provisions of section 316 of the Communication's Act of 1934, as amended, footnote 207, to § 2.104 (a) of the Commission's rules and regulations, be deleted and that footnotes US11 and US18 of § 2.104 (a) be amended as follows:

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after February 15, 1958.

US18 Amateur power to be limited to 50 watts until February 15, 1958 (in the band 420–450 Mc).

It is further ordered, That aircraft radio station licensees presently authorized to operate altimeter transmitting equipment in the band 420–460 Mc may continue such operation beyond February 15, 1953, for the remainder of their current license period.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1586; Filed, Feb. 17, 1953; 8:47 a. m.]

[Docket No. 10214]

PART 3—RADIO BROADCAST SERVICES

PART 13—COMMERCIAL RADIO OPERATORS

LICENSED OPERATOR REQUIREMENTS OF CERTAIN STANDARD AND FM BROADCASTING STATIONS AND FOR REMOTE CONTROL OPERATION OF SUCH STATIONS

The corrections indicated below should be made in the matter set forth below the report and order in these proceedings adopted by the Commission on January 26, 1953, and released as FCC Mimeo. No. 85487 on January 27, 1953 (18 F. R. 726).

1. Delete the designation (a) appearing in the first line of § 3.264.

2. Change item II 4 to read as follows:

4. Section 21 is amended as follows:

a. Delete first unnumbered paragraph and footnote designator 38 appearing therein.

b. Place footnote designator 38 after the word "monitors" in the remaining paragraph.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1583; Filed, Feb. 17, 1953; 8:46 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

TEMPORARY ASSIGNMENT OF FREQUENCIES

In the matter of amendment of Parts 8 and 14 of the Commission's rules to permit temporary assignment of frequencies other than those specifically designated in the rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration the above captioned matter; and

It appearing, that Part 7 of the Commission's rules relating to coast stations has heretofore been amended so as to permit the temporary assignment of frequencies other than those specifically designated in the Commission's rules for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951; and

It further appearing, that a similar flexibility in the assignment of frequencies to ship stations and Alaskan stations would be desirable for the same purpose; and

It further appearing, that provision in Parts 8 and 14 of the rules for such purpose is urgent in order expeditiously to continue the implementation of the Geneva Agreement in which the United States is now engaged and that therefore compliance with the public notice and procedure set forth in section 4 of the Administrative Procedure Act is impracticable and for the same reasons the public interest requires that the amendments herein ordered may be made effective immediately.

It is ordered, effective immediately, that Parts 8 and 14 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 5, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

a. Section 8.351 (e) is amended to read as follows:

(e) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

b. Section 8.321 (c) is amended to read as follows:

(c) In addition to the frequencies shown in paragraph (a) of this section other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Admin-

[1] Filed as part of the original document.

istrative Radio Conference, Geneva, 1951.

c. Part 14 of the Commission's rules governing radio stations in Alaska is amended by adding a new § 14.5 to read as follows:

§ 14.5 *Frequencies.* In addition to the frequencies specifically shown in this part, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

[F. R. Doc. 53-1585; Filed, Feb. 17, 1953; 8:46 a. m.]

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

AVAILABILITY OF FREQUENCY BANDS TO OPERATIONAL FIXED STATIONS

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration certain allocations of frequencies and bands of frequencies heretofore made to services and classes of stations, as reflected in the rules and regulations of the Commission;

It appearing, that under the provisions of Part 2 of the Commission's rules and regulations, the frequency bands 890–940 Mc and 9800–9900 Mc are allocated for assignment to all classes of non-government fixed stations; and

It further appearing, that, although under the aforesaid provisions of the Commission's rules and regulations, the frequencies in the bands 890–940 Mc and 9800–9900 Mc are available for assignment to operational fixed stations in the Public Safety, Industrial and Land Transportation Radio Services, such availability is not now reflected in the frequency tables appearing in the respective Parts 10, 11 and 16 of the Commission's rules and regulations and that, therefore, Parts 10, 11 and 16 of the Commission's rules and regulations should be amended to show the availability of frequencies in the bands 890–940 Mc and 9800–9900 Mc for assignment to operational fixed stations in the Public Safety, Industrial and Land Transportation Radio Services; and

It further appearing, that such amendments are a codification of existing provisions of the Commission's rules and regulations and, therefore, notice of proposed rule making as required by section 4 of the Administrative Procedure Act is unnecessary, and the amendments may be made effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), and 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Parts 10, 11 and 16 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 5, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Sections 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.455 (e) are amended by the insertion of the following additional entrics in the respective tables:

Frequency or band	Class of station(s)	Limitations
890–940 Mc	Operational fixed	1, 2.
9800–9900 Mc	do	1.

2. Sections 11.253 (b), 11.303 (b), 11.353 (b), 11.403 (b), 11.453 (b) and 11.503 (b) are amended by the addition of the following frequency bands to the respective tables:

Mc
[1] 890–940
9800–9900

3. Footnote 1 to §§ 11.253 (b), 11.303 (b), 11.353 (b), 11.403 (b), 11.453 (b) and 11.503 (b) is amended to read as follows:

[1] Use of frequencies in the bands 890–940, 2,450–2,500, and 17,850–18,000 Mc is subject to no protection from interference due to the operation of industrial, scientific and medical devices on the frequencies 915, 2450 and 18000 Mc.

4. Sections 16.254 (b), 16.303 (b), 16.353 (b), and 16.453 (b) are amended by the addition of the frequency bands 890–940 and 9800–9900 Mc to the respective tables; and by the substitution of the following for the present note appearing at the end of each of those tables:

NOTE: Use of frequencies in the bands 890–940, 2450–2500 and 17850–18000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 915, 2450 and 18000 Mc.

[F. R. Doc. 53-1584; Filed, Feb. 17, 1953; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 932]

[Dockets Nos. AO-33-A-19 and A-20]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Wayne, Indiana, on May 5, 1952, pursuant to notice thereof which was issued on April 29, 1952 (17 F. R. 3859). On August 13, 1952, a hearing was held to receive additional evidence on all of the proposed amendments considered at the May 5 hearing and to receive evidence on certain other proposed amendments not considered at the May 5 hearing. Notice of the hearing held on August 13 was issued on August 6, 1952 (17 F. R. 7304).

Upon the basis of the evidence introduced at the hearings and the record thereof the Assistant Administrator, Production and Marketing Administration, on December 31, 1952, filed with Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto, which was published in the FEDERAL REGISTER on January 6, 1953 (18 F. R. 117).

The material issues presented on the record of the two hearings relate to:

1. The distribution among producers of the amounts which handlers are required to pay for milk;
2. The pricing of Class I milk; and
3. Payments on other source milk.

Findings and conclusions. The following findings and conclusions are based upon the evidence submitted at the hearings and the records thereof.

Distribution of proceeds. No change should be made in the method of distributing among producers the amounts which handlers are required to pay for milk. All such amounts should continue to be uniformly distributed among all producers supplying the market. This is commonly known as market-wide pooling.

At the May hearing proposals were considered which would require that the amounts to be paid by each handler for milk be uniformly distributed among all of the producers supplying such handler. This is commonly known as individual handler pooling. The proponents and supporters of individual handler pooling in the May hearing testified in the August hearing that market conditions had changed from May to August to the extent that individual handler pooling was neither necessary nor desirable. There is no evidence in the record to show that a change in the method of distributing proceeds from the sale of milk among

producers would result in any more orderly marketing of milk or any more stable market conditions; therefore, it is concluded that no change should be made.

Class I pricing. The amounts to be added to the basic formula price (prior to application of the supply-demand adjustment) in determining the Class I price per hundredweight of milk should be as follows:

January, February, March, July, August, and September	$1.20
April, May, and June	.80
October, November, and December	1.65

These amounts represent increases over the amounts presently prescribed in the order of 20 cents in each of the months of January through September and 50 cents in each of the months of October, November, and December—an annual average increase of 27 cents.

No change should be made in the method of calculating the supply-demand adjustment.

The milk supply situation for the Fort Wayne market may be critically affected by prices paid for milk by markets which obtain their supplies in areas near to the areas from which Fort Wayne obtains its supplies. If prices in these competing markets are high relative to prices in Fort Wayne, this will have a tendency to move supplies away from Fort Wayne and to the markets paying the higher prices. Conversely, lower prices in competing markets relative to prices paid in Fort Wayne would tend to increase supplies in the latter market.

During the last twelve months for which prices are shown in the record the Fort Wayne uniform prices computed pursuant to the order averaged $4.74. (This does not include premiums paid above order prices.) During the same period dairy farmers supplying the Indianapolis market who are located where the Fort Wayne and Indianapolis supply areas overlap received prices averaging about $5.34 per hundredweight for milk containing 4 percent of butterfat while Cleveland uniform prices averaged about $5.18 per hundredweight (4 percent basis). In the last year the average uniform prices of 4 percent milk for the Dayton-Springfield, Toledo, and South Bend-La Porte markets have averaged $5.40, $5.37, and $5.02, respectively. Moreover, average prices actually received by farmers have been somewhat higher in Cleveland, Toledo, and South Bend-La Porte because premiums over minimum prices were paid. Beginning November 1, amendments to the South Bend-La Porte and to the Cleveland orders increased Class I prices in those markets by about 25 cents and 30 cents, respectively, on an annual average basis.

If producers who delivered milk to the Fort Wayne market had actually received only the minimum prices required to be paid by the order, supplies of milk in Fort Wayne would almost certainly have been affected by the higher prices paid in markets which compete with Fort Wayne for a common milk supply. The fact is, however, that producers received considerably more than the prices specified in the order. The Class I pricing provisions were last revised in an amendment to the order which became effective on November 1, 1951. Since that date the prices which have been paid to producers supplying the Fort Wayne market have been higher in every month than the uniform prices computed pursuant to the order. These additional premiums have ranged on a monthly basis from 5 to 65 cents per hundredweight and have averaged 36 cents per hundredweight during the period November 1951 through June 1952.

The prices, including premiums, paid in the Fort Wayne market have apparently brought forth a plentiful supply of milk because supplies in this market have been somewhat in excess of the essential needs of the market. Consequently, the minimum prices specified in the order need not be set at levels equal to those which have prevailed in the market over the past year. It is necessary, however, that the minimum prices be increased considerably in order that they will be at a level more nearly appropriate in relationship to the supply and demand situation which has prevailed in this market. Continuation of substantial premium payments for long periods in regulated markets is undesirable because such premiums may not apply, and ordinarily do not apply, equitably as among different groups of producers. Moreover, premiums which are paid as additions to uniform prices do not bear equally upon all handlers in terms of the cost of Class I milk for the handler with a relatively high percentage of Class II milk has a higher cost of Class I milk than does the handler with relatively less Class II milk. Because premiums are ordinarily inequitable as among producers and result in inequality of costs as among handlers, they are unstabilizing in a market. To the extent, therefore, that premiums are paid to achieve price levels which are necessary to maintain a desirable balance between milk supplies and sales, they should be incorporated in the level of the minimum Class I price. Moreover, because premiums may be eliminated at any time, farmers cannot base longer range plans for milk production on them. Consequently premiums are less efficient in influencing supplies of milk than are price levels which are definitely incorporated into the order. For these reasons it is desirable to incorporate into the minimum Class I price some of the premiums which have been paid. However, it is neither necessary nor desirable to raise Class I prices by the full amount of the premiums which have been paid because it appears that somewhat more than the essential needs of the market for Class I milk have actually been supplied by producers over the past year. An increase in Class I prices of about 27 cents per hundredweight on an annual basis appears necessary to obtain and maintain an appropriate balance between supplies of milk and sales in this marketing area.

The Class I price increases herein concluded to be appropriate will result in a more desirable seasonal pattern of Class I prices. Wider seasonal variation in Class I prices and the resulting wider seasonal variation in uniform prices should encourage producers to increase their deliveries of milk in October, November, and December in relation to other months. In the last year or two deliveries of producer milk in the month of highest production (May or June) have been almost double such deliveries in the month of lowest production (usually November). Seasonal variation to this extent is accompanied by serious problems in disposing of the seasonal reserve supplies. Thus any reduction in the seasonality of deliveries of producer milk is desirable because it reduces the problems of disposing of the seasonal reserve milk supplies.

The proposal to limit to 26 cents the amount by which the supply-demand adjustment would be permitted to reduce the Class I price in any of the months of April through July should not be adopted. Proponent sought justification for this proposal by asserting that if the supply-demand adjustment were permitted to reduce the Class I price by more than 26 cents, the resulting uniform price would not be sufficiently above manufacturing milk prices to provide an incentive for producers to continue to meet the requirements of the health authorities and supply milk to the Fort Wayne market.

Analysis of the seasonality represented in the standard utilization percentages indicates that the standard utilization percentages reflect a desirable relationship between market supplies and requirements. Any departure from these percentages represents a lack of balance between market supplies and requirements and warrants a price adjustment from the levels otherwise resulting. If that departure is such as to require a price reduction in April, May, June, or July of more than 26 cents then market supplies are clearly excessive and a substantial price reduction is desirable to realign supplies with requirements.

Payments on other source milk. Handlers who receive other source milk at pool plants should be required to make payments on such other source milk only if it is disposed of on routes operated wholly or partially in the marketing area or to other pool plants or to producer-handlers and classified as Class I. Other source milk should be considered as having been so disposed of only to any extent to which the receipts of milk from producers plus the receipts of Class I producer milk from other plants is less than such dispositions of milk—in other words, Class I milk so disposed of should be considered as having been producer milk to the extent that producer milk was available for such dispositions.

At least one pool plant in the Fort Wayne market regularly receives large quantities of both producer milk and other source milk. The other source milk is used primarily in the manufacture of milk products. However, in times of extreme milk shortages some of this other source milk is sold outside of the Fort Wayne market in bulk to milk distributors serving other markets. At the present time the order requires a pay-

ment into the producer-settlement fund on this milk. Proponent claims that because of this requirement other manufacturing plants not subject to the order have a competitive advantage over him in supplying these outlets.

In most markets the health regulations prohibit a plant which is approved under the regulations from regularly receiving milk which is not produced in compliance with the health regulations; however, the regulations of the Fort Wayne health authorities are such that milk not produced in compliance with the regulations may be regularly received at an approved plant, but may not be intermingled with milk produced in compliance with such regulations and distributed in the city in fluid form. Thus the health regulations will permit a handler operating an approved plant to receive and process approved milk for distribution in Fort Wayne and other milk for distribution outside of Fort Wayne.

The terms of the order are presently such that, even though the health regulations permit the handling of locally approved (producer) milk and other source milk in the same plant, the only way a handler can completely free other source milk for distribution as fluid milk outside the marketing area from regulation under the order is to establish a separate plant for the handling of such milk. The conclusion to eliminate payments on such other source milk (under the conditions herein described) was reached in recognition of the particular application of health regulations in Fort Wayne and will make the regulations imposed by the order compatible with the health regulations to the extent that capital outlay to physically segregate the handling of producer milk and other source milk will not be necessary.

Although proponent asked that this proposed removal of payments on other source milk apply only to other source milk sold in bulk form, no basis can be found for treating bulk milk and packaged milk differently in this respect.

The possibility was suggested that if payments on other source milk disposed of entirely outside of the marketing area are eliminated, all handlers might reduce their supplies of producer milk to a level where they were sufficient only to meet disposition of milk in the marketing area and acquire supplies of other source milk to supply their out-of-area disposition. This is possible; and if it results in the loss or threatened loss of sales of producer milk in areas which have historically been predominantly supplied by Fort Wayne producers then a reconsideration of the definition of the marketing area may be desirable.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. The rulings contained in the aforesaid recommended decision are ratified and affirmed.

No exceptions were filed to the aforesaid recommended decision.

Determination of representative period. December 1952 is determined to be a representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, which is a part of this decision, is approved by producers who during such period were engaged in the production of milk for sale in the marketing area specified in the order, as amended regulating the handling of milk in the Fort Wayne, Indiana, marketing area (7 CFR Part 932).

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER and that (1) the findings and conclusions and the general findings to be so published as a part of this decision shall include the full text of such findings and conclusions and general findings; and (2) the aforesaid order amending the order to be so published as a part of this decision shall include the full text of such order amending the order.

The regulatory provisions of the aforesaid marketing agreement are identical with those contained in the aforesaid order amending the order which will be published with this decision.

Filed at Washington, D. C., this 13th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area*

§ 932.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 932.51 (a) to read as follows:

(a) Add (1) $0.80 during each of the delivery periods of April, May, and June; (2) $1.65 during each of the delivery periods of October, November, and December; and (3) $1.20 during each of the other delivery periods.

2. Amend § 932.62 to read as follows:

§ 932.62 *Milk caused to be delivered by cooperative associations.* A coopera-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

tive association shall be deemed to be a handler pursuant to § 932.10 (b) (1) with respect to producer milk caused by it to be delivered to a pool plant only for the purposes of making such payments to the market administrator as are required of such association pursuant to § 932.84 (a).

3. Amend § 932.71 (a) to read as follows:

(a) Combine into one total (1) the values computed pursuant to § 932.70 for all handlers who made reports prescribed by § 932.30 except those in default of payments prescribed in § 932.84 for the preceding delivery period, and (2) the amounts computed pursuant to § 932.84 (b) and (c);

4. Amend § 932.84 to read as follows:

§ 932.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, handlers shall make payment to the market administrator as follows:

(a) Handlers who operated pool plants shall pay any amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82: *Provided,* That with respect to milk for which payment is made by a handler to a cooperative association pursuant to § 932.80 (b), the association, in turn, shall pay to the market administrator on or before the 16th day after the end of the delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.71 adjusted by the butterfat differential provided by § 932.82.

(b) Handlers who operated pool plants and who received during such delivery period other source milk which was allocated to Class I milk pursuant to § 932.46 (a) (2) and (b) shall pay any amounts resulting from the following computations for such delivery period:

(1) Combine into separate totals for skim milk and butterfat the following: (i) Class I milk disposed of on a route (or routes) operated wholly or partially in the marketing area from such pool plant, (ii) milk transferred or diverted from such pool plant to another pool plant and classified as Class I milk pursuant to § 932.44 (a), (iii) milk transferred or diverted from such pool plant to a producer handler, and (iv) milk at such pool plant classified as Class I milk pursuant to § 932.41 (a) (3).

(2) Combine into separate totals for skim milk and butterfat the following: (i) Milk received at such pool plant from producers, (ii) skim milk and butterfat received at such pool plant from another pool plant and classified as Class I milk pursuant to § 932.44 (a), (iii) skim milk or butterfat at such pool plant allocated to Class I milk pursuant to § 932.46 (a) (4) or (b), and (iv) skim milk and butterfat in producer milk received from a nonpool plant operated by a cooperative association pursuant to § 932.13 and classified as Class I milk.

(3) Determine the total volume of skim milk and the total volume of butterfat in other source milk which was allocated to Class I milk pursuant to § 932.46 (a) (2) and (b).

(4) If the total volume of skim milk or the total volume of butterfat computed pursuant to subparagraph (1) of this paragraph exceeds the total volume of skim milk or the total volume of butterfat, respectively, computed pursuant to subparagraph (2) of this paragraph, payment in an amount equal to the difference between the value of such excess skim milk or butterfat computed at the Class I price and butterfat differential for such delivery period and the value of such excess skim milk or butterfat computed at the Class II price and butterfat differential for such delivery period shall be made.

(5) If the total volume of skim milk or the total volume of butterfat computed pursuant to subparagraph (2) of this paragraph exceeds the total volume of skim milk or the total volume of butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph, payment shall be made with respect to the volume of any such excess skim milk or any volume of skim milk computed pursuant to subparagraph (3) of this paragraph, whichever volume is smaller, and with respect to the volume of any such excess butterfat or any volume of butterfat computed pursuant to subparagraph (3) of this paragraph, whichever volume is smaller, in an amount equal to the difference between the value of such smaller volume of skim milk or butterfat at the Class I price and butterfat differential for such delivery period and the value of such smaller volume of skim milk or butterfat at the Class II price and butterfat differential for such delivery period.

(c) Handlers who operate nonpool plants from which milk received during such delivery period was disposed of as Class I milk on a route (or routes) operated wholly or partially within the marketing area from such plant shall pay an amount equal to the difference between the value of such milk computed at the Class I price and butterfat differential and the value of such milk computed at the Class II price and butterfat differential.

[F. R. Doc. 53–1630; Filed, Feb. 17, 1953; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10404]

Television Broadcast Stations

table of assignments

In the matter of amendment of § 3.606 (b) *Table of assignments,* rules governing Television Broadcast Stations.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission has from time to time effected changes in the table of assignments in order to correct substandard assignments. A study of the UHF assignments in the table of assignments has been conducted with a view toward determining which of these do not meet the required minimum assignment separations as provided for in § 3.610 (c) of the Commission's rules governing Television Broadcast Stations. The purpose of this study was to correct all the remaining substandard assignment spacings as quickly and simply as possible in order to eliminate delays in application processing and to remove the necessity of piecemeal rule-making in the event these deficiencies were to be ascertained one at a time. The distances which do not meet the required separations are between the following assignments:

City	Channel No.		City	Channel No.
Anniston, Ala	37	and	Opelika, Ala	22
Conway, Ark	49	and	Arkadelphia, Ark	34
Paragould, Ark	44	and	Jonesboro, Ark	39
Delano, Calif	33	and	Fresno, Calif	18
Pekin, Ill	49	and	La Salle, Ill	35
Bedford, Ind	39	and	Madison, Ind	25
Bedford, Ind	39	and	Bloomington, Ind	36
Grinnell, Iowa	46	and	Centerville, Iowa	31
Mayfield, Ky	49	and	Carbondale, Ill	34
Hammond, La	51	and	Morgan City, La	36
Lawrence, Mass	38	and	Keene, N. H	45
Rolla, Mo	31	and	Columbia, Mo	16
Salisbury, N. C	53	and	Sanford, N. C	38
Springfield, Ohio	46	and	Richmond, Ind	32
Bradford, Pa	48	and	Batavia, N. Y	33
Tullahoma, Tenn	65	and	Lebanon, Tenn	58
Tullahoma, Tenn	65	and	Lawrenceburg, Tenn	50
Austin, Tex	30	and	Temple, Tex	16
Greenville, Tex	62	and	Corsicana, Tex	47

3. In order to correct the above assignments in the table of assignments which do not meet the separation requirements contained in § 3.610 of the Commission's rules, notice is hereby given of the following proposed changes in the table of assignments:

City	Channel No.	
	Delete	Add
Anniston, Ala	37−	70+
Conway, Ark	49+	62
Paragould, Ark	44	58−
Delano, Calif	33	37+
Pekin, Ill	49+	69+
Bedford, Ind	39	68
Grinnell, Iowa	46+	71
Mayfield, Ky	49−	63
Hammond, La	51+	57
Lawrence, Mass	38+	72
Rolla, Mo	31	46
Salisbury, N. C	53+	80
Springfield, Ohio	46+	76
Bradford, Pa	48+	70−
Tullahoma, Tenn	65+	68−
Austin, Tex	*30−	*70−
Greenville, Tex	62	69−

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 27, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted

before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 4, 1953.

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1580; Filed, Feb. 17, 1953; 8:45 a. m.]

[47 CFR Part 3]

[Docket No. 10353]

TELEVISION BROADCAST STATIONS

TRANSMITTERS AND ASSOCIATED EQUIPMENT; OPERATION; EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of § 3.687 (i) (1) rules governing Television Broadcast Stations.

1. On November 28, 1952, the Commission issued a notice of proposed rule making (FCC 52-1542) in the above-entitled matter which specified that comments were to be filed on or before January 12, 1953. The Chronicle Publishing Company, San Francisco, California, has requested that consideration in this matter be postponed until the completion of a study by the Joint Technical Advisory Committee on the matters involved in these proceedings; and that a further time for filing comments be permitted after this committee has made its report.

2. We are of the view that an additional period of 3 months is necessary to afford JTAC and other interested parties an opportunity to submit comments in the above-entitled matter. Notice is hereby given that time for filing comments in the above-entitled matter is extended to April 13, 1953. Replies to such comments may be filed on or before April 23, 1953.

Adopted: February 4, 1953.

Released: February 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1582; Filed, Feb. 17, 1953; 8:46 a. m.]

[47 CFR Part 9]

[Docket No. 10383]

AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 9 of the Commission's rules and regulations governing Aeronautical Services.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed, effective March 15, 1953, to amend §§ 9.315 and 9.611 (a) of Part 9 of the Commission's rules and regulations governing Aeronautical Services as set forth below for the purpose of implementing that portion of the New International Frequency List for Region 2 which was agreed to by the Extraordinary Administrative Radio Conference (Geneva, 1951), which makes the frequency 3281 kilocycles available for assignment to aeronautical land stations serving lighter-than-air craft, and flight test stations, as a replacement for the presently respective assignable frequencies 2930 and 3290 kilocycles.

3. The proposed amendments are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before February 25, 1953 a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed within ten days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs and statements before taking final action.

5. In accordance with the provisions of § 1.784 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 10, 1953.

Released: February 12, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Proposed amendment to Part 9 of the Commission's rules and regulations governing Aeronautical Services:

1. Amend § 9.315 by changing the frequency "2930 kilocycles" to read "3281 kilocycles."

2. Amend § 9.611 (a) by changing "3290 kilocycles,'" to read "3281 kilocycles,".

[F. R. Doc. 53-1581; Filed, Feb. 17, 1953; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 53-4]

APPROVAL OF EQUIPMENT; CHANGE IN NAME AND ADDRESS OF MANUFACTURER; AND CORRECTION OF A PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(b) The name and address of a manufacturer of approved equipment shall be made as indicated below; and

(c) The document CGFR 52-55 appearing in the FEDERAL REGISTER, regarding approval of equipment shall be corrected as indicated below:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/123/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn 2, N. Y., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.007/124/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Rest Products Company, 4220 East Fifteenth Street, Kansas City, Mo.

Approval No. 160.007/126/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Elvin Salow Co., 31-33 South Street, Boston 11, Mass., for Boston Camping Distributor Co., Inc., 135 Oliver Street, Boston 10, Mass.

Approval No. 160.007/127/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, N. Y., for James Bliss & Co., Inc., 342 Atlantic Avenues, Boston 10, Mass.

Approval No. 160.007/128/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Elvin Salow Co., Boston, Mass., for Elisha Webb & Son Co., 136 Front Street, Philadelphia, Pa.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.008/520/0, 15" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, dwg. No. 105 BLP, dated October 15, 1952, manufactured by H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn.

Approval No. 160.008/521/0, 12" x 48" x 2" rectangular buoyant cushion, 52 oz. kapok, Atlantic-Pacific Mfg. Corp. dwg. No. MW101152, dated November 10, 1952, manufactured by Atlantic-Pacific Mfg. Corp., Brooklyn 2, N. Y., for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.008/522/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 105 B2P, dated October 15, 1952, manufactured by H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn.

Approval No. 160.008/523/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. dated October 20, 1952, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.008/524/0, 12" x 20" x 2" rectangular buoyant cushion, 24 oz. kapok, dwg. dated November 24, 1952, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/25/0, Davis Universal Gas Mask No. BM–1448, Bureau of Mines Approval No. BM–1448, consisting of BM–1448 canister, BM–1448 timer, BM–1448 canister harness, and BM–1408F facepiece, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, N. J.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 160.011)

DAVITS, LIFEBOAT

Approval No. 160.032/42/1, gravity davit, type 135, approved for maximum working load of 43,000 pounds per set (21,500 pounds per arm), using two part falls, identified by arrangement dwg. No. 2227–35 dated April 24, 1952, and revised September 30, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/42/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.032/47/1, gravity davit, type 60–75, approved for maximum working load of 21,000 pounds per set (10,500 pounds per arm), using 2 part falls, identified by arrangement dwg. No. 3368–2 dated February 25, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.032/47/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.032/136/0, mechanical davit, straight boom sheath screw, size B–7–0, approved for maximum working load of 5,000 pounds per set (2,500 pounds per arm) using 4 part falls, identified by general arrangement dwg. No. 618 dated October 12, 1950, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/35/1, 18.0' x 5.83' x 2.58' steel, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement dwg. No. 2940 dated July 21, 1952, and revised September 29, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/35/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/39/1, 24.0' x 8.0' x 3.58' steel, motor-propelled lifeboat without radio cabin, 37-person capacity, identified by construction and arrangement dwg. No. 2605 dated August 1, 1952, and revised October 4, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/39/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/41/1, 24.0' x 8.0' x 3.58' steel, oar-propelled lifeboat, 40-person capacity, identified by arrangement and construction dwg. No. 2602, dated June 26, 1952, and revised October 14, 1952, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/41/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/184/1, 24.0' x 7.75' x 3.33' steel oar-propelled lifeboat, 37-person capacity, identified by construction and arrangement dwg. No. 245–2 dated Jan. 11, 1944, and revised October 21, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/184/0 published in the FEDERAL REGISTER dated February 12, 1948.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

LINE-THROWING APPLIANCES, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT)

Approval No. 160.040/1/2, Kilgore Towline Rocket Appliance Model GR 52 CK, impulse-projected rocket type line-throwing appliance, Parts List dwg. dated April 26, 1950, revised October 16, 1952, manufactured by Kilgore, Inc., International Flare Signal Division, Westerville, Ohio. (Supersedes Approval No. 160.040/1/1 published in FEDERAL REGISTER dated April 3, 1952.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.040)

KITS, FIRST-AID

Approval No. 160.041/5/0, First-aid Kit, Model G–12, Assembly dwg. No. B–12596 dated September 9, 1952, manufactured by Mine Safety Appliances Co., Braddock, Thomas and Meade Streets, Pittsburgh 8, Pa.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.041)

VALVES, SAFETY

Approval No. 162.001/71/1, Type 2399 carbon steel body pop safety valve, 300 p. s. i. maximum pressure, 650° F. maximum temperature, dwg. No. 2694–B–CG, dated April 25, 1946, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/71/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/72/1, Type 2575A carbon steel body pop safety valve, 300 p. s. i. maximum pressure for all sizes except 4" P 6", 250 p. s. i. for size 4" P 6", 650° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/72/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/73/1, Type 2575B carbon steel body pop safety valve, 300 p. s. i. maximum pressure for all sizes except 4" P 6", 250 p. s. i. for size 4" P 6", 750° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/73/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/74/1, Type 2575C alloy steel body pop safety valve, 300 p. s. i. maximum pressure for all sizes except 4" P 6", 250 p. s. i. for size 4" P 6", 900° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/74/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/75/1, Type 2576A carbon steel body pop safety valve, 450 p. s. i. maximum pressure for all sizes except 4" P 6", 350 p. s. i. for size 4" P 6", 650° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/75/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/76/1, Type 2576B carbon steel body pop safety valve, 450 p. s. i. maximum pressure for all sizes except 4" P 6", 350 p. s. i. for size 4" P 6", 750° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/76/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/77/1, Type 2576C alloy steel body pop safety valve, 450 p. s. i. maximum pressure for all sizes except 4" P 6", 350 p. s. i. for size 4" P 6", 900° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/77/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/78/1, Type 2577A carbon steel body pop safety valve, 600 p. s. i. maximum pressure for all sizes except 4" P 6", 500 p. s. i. for size 4" P 6", 650° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/78/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/79/, Type 2577B carbon steel body pop safety valve, 600 p. s. i. maximum pressure for all sizes except 4" P 6", 500 p. s. i. for size 4" P 6", 750° F, maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/79/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/80/1, Type 2577C alloy steel body pop safety valve, 600 p. s. i. maximum pressure for all sizes except 4" P 6", 500 p. s. i. for size 4" P 6", 900° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/80/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/81/1, Type 2578A carbon steel body pop safety valve, 750 p. s. i. maximum pressure for all sizes except 4" P 6", 700 p. s. i. for size 4" P 6", 650° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/81/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/82/1, Type 2578B carbon steel body pop safety valve, 750 p. s. i. maximum pressure for all sizes except 4" P 6", 700 p. s. i. for size 4" P 6", 750° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/82/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/83/1, Type 2578C alloy steel body pop safety valve, 750 p. s. i. maximum pressure for all sizes except 4" P 6", 700 p. s. i. for size 4" P 6", 900° F. maximum temperature, dwg. No. 1983–B–CG dated September 10, 1945, and revised November 7, 1952, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Farris Engineering Corp., Palisades Park, N. J. (Reinstates and supersedes Approval No. 162.001/83/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.001/189/0, Model ODP-M bronze body pop safety valve, enclosed spring, 150 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. B1505S, dated July 25, 1946, approved for sizes 1½", 2", 2½", and 3", manufactured by J. E. Lonergan Co., 211–217 Race Street, Philadelphia, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 162.001)

BOILERS, HEATING

Approval No. 162.003/142/0, Model B, Water tube hot water heating boiler, 3,600,000 B. T. U. per hour, dwg. No. 1926 (2 sheets) dated August 16, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Liberty Welding & Iron Works, 1331–1333 Julia Street, New Orleans 13, La.

Approval No. 162.003/143/0, Model I. D. L. #8 horizontal return tubular boiler, capacity 530 pounds per hour, dwg. No. 53–52D–1105–1, rev. (1) dated November 24, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by The International Boiler Works Co., East Stroudsburg, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/63/0, Stop-Fire 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. P10–0–49 dated February 15, 1950, name plate dwg. No. P10–36–49 dated December 15, 1949 (Coast Guard classification: Type B, size I; and Type C, size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/64/0, Stop-Fire 1½-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. P15-0-49 dated January 11, 1952, name plate dwg. No. P15–37–49 dated December 15, 1949 (Coast Guard classification: Type B, size I; and Type C, size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

Approval No. 162.004/71/0, Stempel Veribest (Symbol GE, GEC or GEP) 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–185–XJ, Rev. B dated January 21, 1952, name plate dwg. No. AT–185–A4, Rev. C dated January 9, 1952 (Coast Guard classification: Type B, size I; and Type C, size I), manufactured for Stempel Fire Extinguisher Manufacturing Co., 2400 North Jasper Street, Philadelphia 25, Pa., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/72/0, Stempel Veribest (Symbol GE, GEC or GEP) 1½-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–195–XJ, Rev. C dated July 30, 1952, name plate dwg. No. AT–195–A4, Rev. C dated January 9, 1952 (Coast Guard classification: Type B, size I; and Type C, size I), manufactured for Stempel Fire Extinguisher Manufacturing Co., 2400 North Jasper Street, Philadelphia 25, Pa., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/73/0, Badger's CTC (Symbol GE, GEC or GEP) 1-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–185–XJ, Rev. C dated August 18, 1952, name plate dwg. No. AT–185–A10 dated April 22, 1952 (Coast Guard classification: Type B, size I; Type C, size I), manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.004/74/0, Badger's CIC (Symbol GE, GEC or GEP), 1½-qt. carbon-tetrachloride type hand portable fire extinguisher, assembly dwg. No. BT–195–XJ, Rev. C dated July 30, 1952, name plate dwg. No. AT–195–A10 dated April 22, 1952 (Coast Guard classification: Type B, size I; Type C, size I), manufactured for Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass., by The General Detroit Corp., 2272 East Jefferson avenue, Detroit 7, Mich.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/40/0, Stop-Fire Soda-Acid 2½-gallon hand portable fire extinguisher, assembly dwg. No. SA50F–0–50 dated December 12, 1951, name plate dwg. No. SA–50–30–50 dated December 12, 1951 (Coast Guard classification: Type A, size II), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and

sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/7/0, C–O–Two Type PDC–20, 20-lb. pressure-cartridge operated dry-chemical type hand portable fire extinguisher, assembly dwg. No. D–58814, Alt. 10 dated February 5, 1952, name plate dwg. No. D–58580, Alt. 7 dated September 26, 1952 (Coast Guard classification: Type B, size II; and Type C, size II), manufactured by C–O–Two Fire Equipment Co., Box 390, Newark 1, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

VALVES, SAFETY (FOR STEAM HEATING BOILERS)

Approval No. 162.012/7/0, Type 1411 cast iron body pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. 3VJ953, dated July 28, 1952, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn., approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size	Bore diameter	Capacity (pounds/hour) at 30 p. s. i.
Inches	*Inches*	
1½	1¼	628
1½	1⅞	1,610
2	1⅞	1,610
2½	2½	2,650
3	3	3,770
4	4	5,860
4	4½	8,870

Approval No. 162.012/15/0, Style HH–MS–270 bronze body pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. SK. No. 1971–V, issued July 15, 1952, and revised August 22, 1952, manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass., approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size	Capacity (pounds/hour) at 30 p. s. i.
Inches	
¾	132
1	200
1¼	250
1½	377
2	704
2½	1,005

Approval No. 162.012/16/0, Style HO–B–MS cast iron body pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. HV–31, issued July 2, 1952, manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass., approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size	Bore diameter	Capacity (pounds/hour) at 30 p. s. i.
Inches	*Inches*	
1½	1¼	630
1½	1½	1,032
2	1⅞	1,612
2½	2½	2,641
3	3	3,773
4	4	5,854

Approval No. 162.012/17/0, Style HR–B–MS cast iron body pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. HV–32, issued July 2, 1948, manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass., approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size	Bore diameter	Capacity (pounds/hour) at 30 p. s. i.
Inches	*Inches*	
2	1½	1,032
2½	1½	1,032
3	1⅞	1,612
3½	1⅞	1,612
4	2½	2,641

Approval No. 162.012/18/0, Style C. I. cast iron pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. 59BC–1, dated October 5, 1926, and revised December 19, 1952, manufactured by The Ashton Valve Co., Wrentham, Mass., approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size	Capacity (pounds/hour) at 30 p. s. i.
Inches	
2	1,870
2½	2,700
3	3,540
3½	4,210
4	5,300

Approval No. 162.012/19/0, Model WT cast iron pop safety valve, for steam heating boilers and unfired steam generators, dwg. No. B1667S, dated November 14, 1951, manufactured by J. E. Lonergan Co., 211–217 Race Street, Philadelphia, Pa., approved for a maximum pressure of 30 p. s. i. in the following sizes and discharge capacities:

Size	Capacity (pounds/hour) at 30 p. s. i.
Inches	
1½	1,360
2	1,910
2½	2,470
3	3,220
4	4,900

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. App. 1275; 46 CFR 162.012)

CHANGE IN NAME AND ADDRESS

The name and address of Restwell Mattress Co., 234 W. Kellogg Boulevard, St. Paul 2, Minn., has been changed to Atlas Products, 855 Rice St., St. Paul 3, Minn., for Approval No. 160.007/115/0 (Buoyant cushion, kapok, standard), published in the FEDERAL REGISTER of April 3, 1952.

CORRECTION OF PRIOR DOCUMENT

The Coast Guard Document CGFR 52–55 and Federal Register Document 52–12464 published in the FEDERAL REGISTER dated November 22, 1952, is corrected by changing "Type 1532–P2" to "Type 1531–P2" in Approval No. 162.001/184/0 for a safety valve manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Dated February 11, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 53–1625; Filed, Feb. 17, 1953; 8:54 a. m.]

[CGFR 53–5]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the approvals have expired and (2) the items of equipment no longer comply with present Coast Guard requirements. Notwithstanding this termination of approval on any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Termination of Approval No. 160.033/36/0, Steward type B releasing gear, approved for maximum working load of 16,600 pounds per set (8,300 pounds per hook), identified by general arrangement dwg. No. 2131–8, dated September 24, 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated November 19, 1947. Termination of Approval effective November 19, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.033)

LIFEBOATS

Termination of Approval No. 160.035/177/0, 31.0′ x 11.25′ x 4.5′ steel motor-propelled lifeboats with radio cabin, 74-person capacity, identified by general arrangement dwg. No. 2891, dated March 7, 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated November 19, 1947. Termination of Approval effective November 19, 1952.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

Dated: February 11, 1953.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 53-1624; Filed, Feb. 17, 1953; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9845, 10385, 10386, 10387]

TELANSERPHONE, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING OF STATED ISSUES

In re applications of Telanserphone, Inc., Chicago, Illinois, Docket No. 9845, File No. 7240-C2-P-E; Arthur Optner, Chicago, Illinois, Docket No. 10385, File No. 499-C2-P-53; Ward C. Rogers, Chicago, Illinois, Docket No. 10386, File No. 1189-C2-P-52; New York Technical Institute of Cincinnati, Inc., Chicago, Illinois, Docket No. 10387, File No. 1292-C2-P-52; for construction permits for one-day signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in the city of Chicago, Illinois; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such application might result in harmful mutual interference; and

It further appearing, that in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference free basis; and

It further appearing, that the Commission has transmitted letters to each of the above named applicants, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, informing him of the reasons why his application cannot be granted without hearing; and that all replies to such letters have been carefully considered;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on April 27, 1953, upon the following issues:

1. To determine the technical, financial and other qualifications of each of the above-entitled applicants to construct and operate the proposed stations.
2. To determine the legal qualifications of Arthur Optner to construct and operate the proposed station.
3. To determine the areas and populations which may be expected to receive service from any proposed facility and the need for such service in the area proposed to be served.
4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.
5. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.
6. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.
7. To determine, on a comparative basis, which, if any, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1589; Filed, Feb. 17, 1953; 8:47 a. m.]

[Docket No. 10360]

MACKAY RADIO AND TELEGRAPH CO., INC., AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc. and RCA Communications, Inc., Docket No. 10360, File Nos. 169-C4-ML-52, 211-C4-ML-52, 212-C4-ML-52; applications for modification of licenses to communicate with Ankara, Turkey.

The Commission, having under consideration a Motion filed on February 5, 1953, by Mackay Radio and Telegraph Company, Inc., wherein, among other things, it is requested that the hearing herein now designated for March 3, 1953, be postponed until a later date convenient to the Commission.

It appearing, that on February 5, 1953, Mackay Radio and Telegraph Company, Inc. filed an application for authority to communicate with Istanbul, Turkey, and that in its aforementioned Motion it requested that such application be set for hearing and be consolidated with the applications already designated for hearing herein; and that the issues herein be amended and enlarged as the Commission may deem appropriate;

It further appearing, that under the Commission's rules, RCA Communications, Inc., which has been served with a copy of the above described Motion, may submit a reply thereto no later than February 16, 1953;

It further appearing, that counsel for RCA Communications, Inc., the only other party to the proceeding herein, has indicated no objection to the aforesaid Motion insofar as it requests the postponement of the hearing herein, while reserving all rights with respect to the other requests contained in said Motion, and that the Chief of the Common Carrier Bureau, Federal Communications Commission also has no objection to such postponement;

It further appearing, that when the Commission acts upon the requests contained in the above-described motion other than that for a postponement, it can fix a date for the hearing herein to commence, which date will be appropriate in light of the action the Commission takes on such requests;

It is ordered, This 9th day of February 1953 that the hearing herein now scheduled to start on March 3, 1953, be postponed until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1590; Filed, Feb. 17, 1953; 8:47 a. m.]

[Docket No. 10384]

RADIO DISPATCHING SERVICE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Walter Bunch Turner, d/b as Radio Dispatching Service, Docket No. 10384, File No. 336-C2-P-53; application for construction permit to change location of Domestic Public Land Mobile Radio Service station KIB385 from Shelby, North Carolina to Rock Hill, South Carolina.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the application of Walter Bunch Turner, d/b as Radio Dispatching Service, filed October 14, 1952, for a construction permit to change the location of Domestic Public Land Mobile Radio Service station KIB385 from Shelby, North Carolina to Rock Hill, South Carolina; and

It appearing, that the Commission has transmitted a letter to the applicant, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, informing him of the reasons why his application cannot be granted without hearing; and

It further appearing, that the Commission is unable to determine, from the facts stated in the application and applicant's letter of December 26, 1952, that a grant of the subject application would serve the public interest, convenience and necessity;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Com-

munications Act of 1934, as amended, the above entitled application is designated for hearing at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on March 6, 1953, upon the following issues:

(1) To determine whether the applicant is financially qualified to construct and operate the proposed station;

(2) To determine the area and population which may be expected to receive service from the proposed station and the need for such service in the area proposed to be served;

(3) To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of the applicant;

(4) To determine the facts with respect to the applicant's past operation of KIB385, particularly as regards his failure to provide any service to the public during the period that station has been licensed;

(5) To determine, in the light of the evidence adduced on issues (3) and (4) above, whether the applicant is technically and otherwise qualified to be a station licensee in the Domestic Public Land Mobile Radio Service;

(6) To determine, in the light of the evidence adduced on all the foregoing issues, whether public interest, convenience and necessity would be served by a grant of the application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1594; Filed, Feb. 17, 1953; 8:48 a. m.]

[Docket Nos. 10388, 10389, 10390, 10391]

PAGE BOY, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Page Boy, Inc., New York, New York, Docket No. 10388, File No. 1142–C2–P–52; J. J. Freke-Hayes, New York, New York, Docket No. 10389, File No. 1250–C2–P–52; Vale Corporation, Inc., Newark, New Jersey, Docket No. 10390, File No. 197–C2–P–53; New York Technical Institute of Cincinnati, Inc., North Bergen, New Jersey, Docket No. 10391, File No. 224–C2–P–53; for construction permits for one-way signalling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in the cities of New York, New York; Newark, New Jersey, and North Bergen, New Jersey; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the Commission has transmitted letters to each of the above-named applicants, pursuant to the provisions of section 390 (b) of the Communications Act of 1934, as amended informing him of the reasons why his application cannot be granted without hearing; and that all replies to such letters have been carefully considered;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on April 13, 1953, upon the following issues:

1. To determine the technical, financial and other qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the legal qualifications of Page Boy, Inc. and Vale Corporation, Inc. to construct and operate the proposed stations.

3. To determine the areas and populations which may be expected to receive service from any proposed facility and the need for such service in the area proposed to be served.

4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine whether, and to what extent, co-channel operations are feasible between the communities involved in this proceeding.

6. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1595; Filed, Feb. 17, 1953; 8:48 a. m.]

[Docket Nos. 10392, 10393, 10394, 10395, 10396]

NEW YORK TECHNICAL INSTITUTE OF CINCINNATI, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of New York Technical Institute of Cincinnati, Inc., Washington, D. C., Docket No. 10392, File No. 1076–C2–P–52; Walter G. and Janet C. Lohr, d/b as Washington Radio Paging Service, Washington, D. C., Docket No. 10393, File No. 1296–C2–P–52; Walter G. and Janet C. Lohr, d/b as Baltimore Radio Paging Service, Baltimore, Maryland, Docket No. 10394, File No. 1297–C2–P–52; Air Signal Corporation of Washington, Washington, D. C., Docket No. 10395, File No. 1341–C2–P–52; American Broadcasting Stations, Inc., Washington, D. C., Docket No. 10396, File No. 346–C2–P–53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in the cities of Washington, D. C., and Baltimore, Maryland; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference free basis; and

It further appearing, that the Commission has transmitted letters to each of the above-named applicants, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, informing him of the reasons why his application cannot be granted without hearing; and that all replies to such letters have been carefully considered;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on March 17, 1953, upon the following issues:

1. To determine the technical, financial and other qualifications of each of the above-entitled applicants to con-

struct and operate the proposed stations.

2. To determine the legal qualifications of Air Signal Corporation of Washington and Janet C. Lohr to construct and operate the proposed stations;

3. To determine the areas and populations which may be expected to receive service from any proposed facility and the need for such service in the area proposed to be served;

4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine whether, and to what extent, co-channel operations are feasible between the two communities involved in this proceeding.

6. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

7. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

8. To determine, on a comparative basis, which, if any, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1596; Filed, Feb. 17, 1953; 8:49 a. m.]

[Docket Nos. 10397, 10398, 10399, 10400]

WALTER F. CORBIN ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Walter F. Corbin, San Francisco, California, Docket No. 10397, File No. 1322-C2-P-52; Wm. B. Dolph, Hope D. Pettey, Elizabeth N. Bingham, D. Worth Clark, Helen S. Mark, Glenna G. Dolph, E. P. Franklin and Alice H. Lewis, d/b as KJBS Broadcasters, San Francisco, California, Docket No. 10398, File No. 222-C2-P-53; Grant R. Wrathall, San Francisco, California, Docket No. 10399, File No. 241-C2-P-53; New York Technical Institute of Cincinnati, Inc., San Francisco, California, Docket No. 10400, File No. 297-C2-P-53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in the city of San Francisco, California; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that the Commission has transmitted letters to each of the above named applicants, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, informing him of the reasons why his application cannot be granted without hearing; and that all replies to such letters have been carefully considered;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on April 6, 1953, upon the following issues:

1. To determine the technical, financial and other qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed facility and the need for such service in the area proposed to be served.

3. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

5. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

6. To determine, on a comparative basis, which, if any, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1591; Filed, Feb. 17, 1953; 8:48 a. m.]

[Docket Nos. 10401, 10402]

AMERICAN TELEPHONE ANSWERING SERVICE ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lyman G. Berg, d/b as American Telephone Answering Service, Physicians Exchange, Radio Message Service and Television Answering Service, Long Beach, California, Docket No. 10401, File No. 111-C2-P-53; New York Technical Institute of Cincinnati, Inc., Mt. Wilson, California, Docket No. 10402, File No. 141-C2-P-53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in cities of Long Beach, California and Mt. Wilson, California; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing, that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing, that in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference free basis; and

It further appearing, that the Commission has transmitted letters to each of the above named applicants, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, informing him of the reasons why his application cannot be granted without hearing; and that all replies to such letters have been carefully considered;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consilidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on March 30, 1953, upon the following issues:

1. To determine the technical, financial and other qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed facility and the need for such service in the area proposed to be served.

3. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine whether, and to what extent, co-channel operations are feasible between the two communities involved in this proceeding.

5. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

6. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

7. To determine, on a comparative basis, which, if any, of the applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1592; Filed, Feb. 17, 1953; 8:48 a. m.]

[Docket No. 10403]

DARLINGTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Frank A. Hull tr/as Darlington Broadcasting Company, Darlington, South Carolina, Docket No. 10403, File No. BP-8158; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of February 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 590 kc, 500 watt power, daytime at Darlington, South Carolina; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to construct and operate the proposed station but that the application may involve interference with Stations WGTM, Wilson, North Carolina, and WAYS, Charlotte, North Carolina, and otherwise not comply with the rules and Standards of Good Engineering Practice, particularly § 3.24 (b) of the rules; and

It further appearing, that by letter dated August 20, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiencies and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that Station WGTM, filed a reply to the Commission's letter and requested that the subject application be designated for a hearing because of the above-mentioned interference; that the applicant and Station WAYS have not replied to the Commission's letter; and that the Commission after further consideration is still unable to conclude that a grant would be in the public interest and moreover, is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WGTM, Wilson, North Carolina, and WAYS, Charlotte, North Carolina, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the above-entitled application would be consistent with the provisions of the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to the authorization of stations which will receive interference within normally protected contours.

It is further ordered, That, Watson Industries, Inc., (WGTM), Wilson, North Carolina, and Inter-City Advertising Company (WAYS), Charlotte, North Carolina, are made parties to this proceeding.

Released: February 9, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1588; Filed, Feb. 17, 1953; 8:47 a. m.]

[Docket No. 10405]

DIAMOND H. RANCH BROADCASTERS (KDIA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles E. Halstead tr/as Diamond H. Ranch Broadcasters (KDIA), Auburn, California, Docket No. 10405, File No. BR-2544; for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of February 1953.

The Commission having under consideration the above-entitled application of Charles E. Halstead, for renewal of license of Station KDIA, Auburn, California; and

It appearing, that evidence developed in the course of an investigation conducted by the Commission indicates that Charles E. Halstead, as the individual licensee of Station KDIA, has operated in violation of certain provisions of the Communications Act and of the Commission's rules and regulations; and

It further appearing, that under date of November 5, 1952, in accordance with the provisions of section 7 of Public Law 554, section 309 (b), a registered letter was addressed to the said licensee setting forth in detail the actions constituting the violations indicated, to afford applicant an opportunity to inform the Commission within thirty days from the date of said notice of any reason why he believes the application should not be designated for hearing; and

It further appearing, that no response to said notice has been received and the Commission is unable to determine in the absence of evidence adduced in hearing, whether a grant of the said application for renewal of license of Station KDIA would be in the public interest, convenience or necessity;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing on March 2, 1953, at Auburn, California, on the following issues:

1. To determine whether programs have been broadcast over the facilities of Station KDIA as paid political broadcasts by individuals who were not identified over the station's facilities and were unknown to the licensee, in violation of section 316 of the Communications Act and §§ 3.189 and 1.390 (d) of the Commission's rules, with particular reference to the broadcast of January 21, 1952, at 10:30 p. m.

2. To determine whether programs of other broadcast stations have been rebroadcast over the facilities of Station KDIA in contravention of the provisions of section 325 (a) of the Communications Act and § 3.191 of the Commission's rules, with particular reference to programs of Stations KFRC and KSBR.

3. To determine whether program and operating logs have been maintained for Station KDIA in accordance with the requirements of §§ 3.181 through 3.184 and § 3.186 of the Commission's rules, with particular regard to the period from March 1, 1952, to March 2, 1953.

4. To determine whether the antenna tower of Station KDIA has been maintained in the past in accordance with the requirements of § 3.45 (d) of the Commission's rules and if it is so maintained at present, with particular regard to the painting and lighting of the tower.

5. To determine whether annual financial reports (Forms 324) and annual ownership reports (Forms 323) have been timely filed by the licensee of Station KDIA in accordance with the requirements of §§ 1.341 and 1.343 of the Commission's rules and, if not, whether such reports have been subsequently filed.

6. To determine the legal, financial, technical and other qualifications of Charles E. Halstead to remain licensee of Station KDIA.

7. To determine in the light of the facts adduced under the foregoing issues, whether public interest, convenience, or necessity would be served by a grant of the above-entitled application for renewal of license of Station KDIA.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1593; Filed, Feb. 17, 1953; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E–6465, E–6469]

PENNSYLVANIA WATER & POWER CO. AND METROPOLITAN EDISON CO.

NOTICE OF ORDER AUTHORIZING SALE AND ACQUISITION OF FACILITIES

FEBRUARY 12, 1953.

In the matters of Pennsylvania Water & Power Company, Docket No. E–6465; and Metropolitan Edison Company, Docket No. E–6469.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February 10, 1953, authorizing sale and acquisition of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1612; Filed, Feb. 17, 1953; 8:51 a. m.]

[Docket Nos. G–1981, G–2105]

ROANOKE PIPE LINE CO.

ORDER DENYING MOTION, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

FEBRUARY 10, 1953.

The Commission, by order issued June 26, 1952, in Docket No. G–1981, suspended the operation of Roanoke Pipe Line Company's (Roanoke Pipe) proposed Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, until December 1, 1952; and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classification or services, subject to the jurisdiction of the Commission, as set forth in said tariff and revised sheet. On November 24, 1952, Roanoke Pipe filed a motion requesting that said revised sheet go into effect at the expiration of the suspension period, namely, December 1, 1952. On December 23, 1952, the Commission issued an order making said revised sheet effective upon Roanoke Pipe furnishing a corporate bond satisfactory to the Commission. On December 29, 1952, Roanoke Pipe filed a corporate bond complying with the requirements and conditions of the Commission's order.

The Commission, by order issued December 23, 1952, in Docket No. G–2105 suspended the operation of Roanoke Pipe's proposed Fourth Revised Sheet No. 4, First Revised Sheet No. 5, and Original Sheet No. 5A to its FPC Gas Tariff, Original Volume No. 1, until June 4, 1953; and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classification or services, subject to the jurisdiction of the Commission, as set forth in said tariff, revised sheets and original sheet. On January 8, 1953, Roanoke Pipe filed a motion requesting that the suspension period fixed by the Commission's order issued December 23, 1952, be so changed as to permit it to file a motion to place said revised sheets and said original sheet into effect at a date earlier than June 4, 1953.

The Commission finds:

(1) Proper administration of the Natural Gas Act requires that the motion made on January 8, 1953, by Roanoke Pipe be denied.

(2) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purpose of hearing.

(3) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) The motion made in Docket No. G–2105 on January 8, 1953, by Roanoke Pipe, aforementioned, be and the same is hereby denied.

(B) The above-docketed matters be and they are hereby consolidated for purposes of hearing; said hearing to commence on March 10, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in Roanoke Pipe's proposed Third Revised Sheet No. 4, Fourth Revised Sheet No. 4, First Revised Sheet No. 5, and Original Sheet No. 5A to its FPC Gas Tariff, Original Volume No. 1.

(C) At the hearing the burden of proof to justify the proposed increase and changes in tariff provisions, as provided by Section 4 (e) of the Natural Gas Act, shall be upon Roanoke Pipe.

(D) At the hearing, Roanoke Pipe shall go forward first and shall present its complete case-in-chief in Docket Nos. G–1981 and G–2105 before cross-examination is undertaken. Upon completion of Roanoke Pipe's case-in-chief in Docket Nos. G–1981 and G–2105, other parties to the proceeding may proceed with such cross-examination as they may wish to conduct at that time, and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing shall be recessed by the Presiding Examiner subject to further order of the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 12, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1611; Filed, Feb. 17, 1953; 8:50 a. m.]

[Docket No. ID–457]

PAUL S. MICHAEL

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

FEBRUARY 12, 1953.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February 10, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1613; Filed, Feb. 17, 1953; 8:51 a. m.]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

FEBRUARY 12, 1953.

Notice is hereby given that on December 8, 1952, the Federal Power Commission issued its order entered December 2, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1614; Filed, Feb. 17, 1953; 8:51 a. m.]

[Project No. 421]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSED (TRANSMISSION LINE)

FEBRUARY 12, 1953.

Notice is hereby given that on December 30, 1952, the Federal Power Commission issued its order entered December 22, 1952, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1615; Filed, Feb. 17, 1953; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27798]

PLASTERBOARD FROM POINTS IN TEXAS TO HOPE, ARK., MONROE AND SHOPS, LA.

APPLICATION FOR RELIEF

FEBRUARY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4031. Commodities involved: Plasterboard and plaster wallboard, carloads.

From: Acme, Celotex, Rotan, and Sweetwater, Tex.

To: Hope, Ark., Monroe and Shops, La.

Grounds for relief: Rail and market competition and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4031, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commis-

sion in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1598; Filed, Feb. 17, 1953; 8:49 a. m.]

[4th Sec. Application 27799]

PULPBOARD FROM PANAMA CITY, FLA., AND GEORGETOWN, S. C., TO GOLDEN RING, MD., FALL RIVER, MASS., AND GLOUCESTER, N. J.

APPLICATION FOR RELIEF

FEBRUARY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Panama City, Fla., and Georgetown, S. C.

To: Golden Ring, Md., Fall River, Mass., and Gloucester, N. J.

Grounds for relief: Competition with water-motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1201, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1597; Filed, Feb. 17, 1953; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 103]

STAR LAKE, NEW YORK AREA

DECERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

FEBRUARY 17, 1953.

Upon review of specific data which has been prescribed by and presented to me, the undersigned finds that in the area designated as Star Lake, New York, Area, conditions no longer exist which required the special aids provided in the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) and, therefore, pursuant to section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine and certify that the aforementioned area is no longer a critical defense housing area.

ARTHUR S. FLEMMING,
Acting Director of Defense Mobilization.

[F. R. Doc. 53-1686; Filed, Feb. 17, 1953; 11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ROBERT E. HORTON ET AL.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATIONS

FEBRUARY 12, 1953.

In the matter of Robert E. Horton, 530 W. 6th Street, Los Angeles, California; Providence Investment Company, 139 North Virginia Street, Reno, Nevada; and John C. Roche, d/b/a John C. Roche & Co., 315 Montgomery Street, and 34 Hill Street, San Francisco, California.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, who are registered as broker and dealer or as broker only, willfully violated section 17 (a) of the act and Rule X-17A-5, thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by the issuance of separate notices and orders for hearing, copies of which were sent by registered mail to the addresses last furnished us by the registrants in their registration applications or amendments thereto. The notice of the proceeding was received by John C. Roche, but the registered notices sent to Robert E. Horton and Providence Investment Company were returned to use by the Post Office Department with notations indicating that they could not be found at the addresses given.[2] None of the registrants appeared in person or was represented by counsel on the date set for hearing.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants have not been withdrawn, cancelled, revoked or suspended, and as of the institution of the proceedings were in full force and effect. Our records show that the registrants failed to file the required reports for 1951 and for preceding years.

Upon review of the records in these proceedings, we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

On the basis of the foregoing, we are of the opinion that it is necessary in the public interest to revoke the registration of each of the registrants.

Accordingly, it is ordered, That the registrations of Robert E. Horton, Providence Investment Company, and John C. Roche, doing business as John C. Roche & Co. be, and they hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1577; Filed, Feb. 17, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19173]

FRITZ COLSMAN

In re: Stock owned by Fritz Colsman. F-28-32057.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to the dates set for hearings of the matters. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of July 17 and 24, 1952, (17 F. R. 6573, and 17 F. R. 6801, 6802).

[3] See Sidney Ascher, Securities Exchange Act Release No. 4474 (July 27, 1950).

to law, after investigation, it is hereby found:

1. That Fritz Colsman who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share prior lien stock of Midland Utilities Company, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CPO 11227, registered in the name of Fritz Colsman, together with all declared and unpaid dividends thereon, and

b. Two (2) shares $3.00 convertible preferred Series A stock of Midland United Company, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered CPO 711, registered in the name of Fritz Colsman, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Colsman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1616; Filed, Feb. 17, 1953; 8:52 a. m.]

[Vesting Order 19174]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS AND LUNEBERG POWER, LIGHT AND WATERWORKS, LTD.

In re: Bank accounts owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden and/or Luneberg Power, Light and Waterworks, Ltd., also known as Luneburger Kraft, Licht-und Wasserwerke G. m. b. H. F-28-2337-G-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandssachulden, the last known address of which is Berlin, Germany, is a public corporation which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That Luneburg Power, Light and Waterworks, Ltd., also known as Luneburger Kraft, Licht-und Wasserwerke G. m. b. H., the last known address of which is Luneburg, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, in the amount of $24.37, as of November 16, 1950, arising out of a sinking fund account, entitled Luneburger Kraft, Licht-und Wasserwerke G. m. b. H. (Luneburg Power, Light and Waterworks, Ltd.) First Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said Irving Trust Company, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended, and

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, in the amount of $638.47, as of November 16, 1950, arising out of a coupon account, resulting from a deposit of cash, by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, for payment of unpresented coupons maturing subsequent to June 9, 1933, of Luneburger Kraft, Licht-und Wasserwerke G. m. b. H (Luneburg Power, Light and Waterworks, Ltd.) First Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, under an offer of the aforesaid Conversion Office for German Foreign Debts to holders of such coupons, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said Irving Trust Company, against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden and/or Luneburg Power, Light and Waterworks, Ltd., also known as Luneburger Kraft, Licht-und Wasserwerke G. m. b. H., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1617; Filed, Feb. 17, 1953; 8:52 a. m.]

[Vesting Order 19175]

DRESDNER BANK

In re: Debt owing to Dresdner Bank. F-28-176-E-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Dresdner Bank, the last known address of which is Berlin W-8, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is,

and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company, 140 Broadway, New York 15, New York arising out of a regular blocked Germany, General Ruling #11A account, entitled "Dresdner Bank, (Berlin)," maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dresdner Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1618; Filed, Feb. 17, 1953; 8:52 a. m.]

[Vesting Order 19176]

KAROLINE FAHRBACH

In re: Debt owing to Karoline Fahrbach, also known as Karoline Anna Amalie Fahrbach. F-28-31950-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karoline Fahrbach, also known as Karoline Anna Amalie Fahrbach, who on or since December 11, 1941 and prior to January 1, 1947 was a resident of Germany, is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Bank of New York, 48 Wall Street, New York 5, New York, in the amount of $5,740 as of December 31, 1945, representing a proportionate share of the assets of the Moscow Fire Insurance Company, in liquidation, on deposit with the aforesaid bank as depository described in a judgment of the Supreme Court of the State of New York, County of New York, entered August 22, 1934 and supplemental judgment entered August 17, 1951, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karoline Fahrbach, also known as Karoline Anna Amalie Fahrbach, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1619; Filed, Feb. 17, 1953; 8:52 a. m.]

[Vesting Order 19177]

ANTON J. PETRACEK

In re: Stock owned by and debt owing to Anton J. Petracek, also known as Anton Petratscheck. F-28-31976-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anton J. Petracek, also known as Anton Petratscheck, is a citizen of Germany who on or since December 11, 1941, and prior to January 1, 1947, acted or purported to act directly or indirectly for the benefit of or under the direction of an enemy country (Germany) and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-eight (28) shares of $15.00 par value capital stock of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered NYL-90280, registered in the name of Anton J. Petracek, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of the Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, arising out of a blocked account entitled Anton J. Petracek, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anton J. Petracek, also known as Anton Petratscheck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Anton J. Petracek, also known as Anton Petratscheck, is and prior to January 1, 1947 was controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947 was a national of a designated enemy country (Germany);

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1620; Filed, Feb. 17, 1953; 8:53 a. m.]

[Vesting Order 19179]

FANNY VAN DER LEEDEN

In re: Estate of Fanny van der Leeden, deceased. File No. D-66-109.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the next of kin, heirs at law, legatees and distributees of Fanny van der Leeden, deceased, including but not limited to, Eva Marie van der Leeden Keller, Karl Friedrich van der Leeden, Jr., Helmuth van der Leeden, the domiciliary personal representatives, next of kin, heirs at law, legatees and distributees of Horst van der Leeden, including but not limited to, Flone Ingeborg van der Leeden, Horst Henning van der Leeden and Claus Bodo van der Leeden; and Karl Friedrich van der Leeden, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: The sum of $159.38, subject to any and all valid and existing liens of persons not nationals of a designated enemy country which were acquired prior to the effective date of Executive Order 8389, as amended, is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons identified in subparagraph 1 hereof;

3. That such property in the possession of the United States Trust Company, New York, New York, executor of the Estate of James H. Stebbins, acting under the judicial supervision of the Surrogate's Court, New York County, New York, is being held for the persons and classes of persons identified and described in subparagraph 1 hereof.

and it is hereby determined:

4. That the national interest of the United States requires that the next of kin, heirs at law, legatees and distributees of Fanny van der Leeden, deceased, including but not limited to, Eva Marie vander Leeden Keller, Karl Friedrich vander Leeden, Jr., Helmuth van der Leeden, the domiciliary personal representatives, next of kin, heirs at law, legatees and distributees of Horst van der Leeden, including but not limited to, Flone Ingeborg van der Leeden, Horst Henning van der Leeden and Claus Bodo van der Leeden; and Karl Friedrich van der Leeden, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1622; Filed, Feb. 17, 1953; 8:53 a. m.]

[Vesting Order 19178]

MARTIN L. BAMMAN AND CATHERINE A. PARKER

In re: Estate of Martin L. Bamman, deceased; File D-28-9281. Estate of Catherine A. Parker, deceased; File F-28-5168.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Franklin G. Schmidt, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to an account in the Asbury Park National Bank and Trust Company, Asbury Park, New Jersey, entitled "Estate of Catherine A. Parker, Mr. W. R. Bamman, Executor";

b. All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to a savings account, Account No. 31910, in the Asbury Park National Bank and Trust Company, Asbury Park, New Jersey, entitled "M. Mathilde Schmidt, by W. R. Bamman, Attorney", derived from the estate of Catherine A. Parker as corpus and/or income thereon,

is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 53-1621; Filed, Feb. 17, 1953; 8:53 a. m.]

[Vesting Order 18278, Amdt.]

TOKIO AJIOKA

In re: Interest in real property and bonds owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Tokio Ajioka, deceased. F-39-3988.

Vesting Order 18278, dated August 6, 1951, is hereby amended as follows and not otherwise: By deleting Exhibit A, attached to and by reference made a part of said Vesting Order 18278, as amended, and substituting therefor the new Exhibit A, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 18278 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in the County of Imperial, State of California, described as follows: The Northeast quarter (NE¼) of the Southeast quarter (SE¼) of Section 4, Township 14, SR 13 East, S. B. M.

[F. R. Doc. 53-1623; Filed, Feb. 17, 1953; 8:53 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 18 NUMBER 34

Washington, Thursday, February 19, 1953

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

[Farm Credit Administration Order 561]

PART 4—PUBLIC INFORMATION

OFFICERS AND EMPLOYEES OF FARM CREDIT ADMINISTRATION AND OF CORPORATIONS FUNCTIONING THEREUNDER

Subparagraph (5) of paragraph (a) of § 4.1 of Title 6 of the Code of Federal Regulations is hereby amended to read as follows:

§ 4.1 *Officers and employees of Farm Credit Administration and of corporations functioning thereunder.* (a) * * *

(5) Shall accept or receive any salary, fee, commission, honorarium, or substantial gift, or other benefit for any purpose or in any way, directly or indirectly, from any borrower from or debtor to the Farm Credit Administration or any such corporation, or from any loan applicant or representative thereof: *Provided, however,* That such officer, employee, or agent may, with the written approval of the Governor and upon such conditions as the Governor may prescribe, accept compensation from such borrower, debtor, applicant, or representative for bona fide services rendered while on leave of absence without pay.

(Sec. 17, 39 Stat. 375, sec. 2, 42 Stat. 1459, sec. 6, 44 Stat. 803, sec. 4, 46 Stat. 13, sec. 6, 47 Stat. 14, sec. 201 (e), 47 Stat. 713, secs. 1–43, 48 Stat. 257, as amended; 7 U. S. C. 456, 12 U. S. C. 665, 831, 1101, 1131–1138f, 1141b, 1148)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 53–1646; Filed, Feb. 18, 1953; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5823]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

C. G. WHITLOCK CHEMICAL CO.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1290 *Qualities or properties;* § 3.1315 *Safety.* In connection with the offering for sale, sale or distribution in commerce, of an antifreeze solution designated "FRIGID-O-BG", representing (1) that its said product, or any other product of substantially similar composition, is an antifreeze preparation for use in cooling systems of internal combustion engines, without affirmatively stating in a clear and conspicuous manner in immediate conjunction with such representation, that said preparation will rust and corrode the cooling system of such an engine and clog the passages in such cooling system and otherwise damage such engine; (2) that its said product contains an effective rust inhibitor and will prevent rust or corrosion of all parts of the engine which it may contact, and particularly the cooling system; (3) that its said product will not expand, overflow or be lost in normal operation; or, (4) that its said product will maintain a water level in the radiator to the extent that the engine will not overheat, or that it is a permanent type anti-freeze; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, C. G. Whitlock Chemical Company, Springfield, Ill., Docket 5823, November 20, 1952]

This proceeding was heard by Henry P. Alden, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence in support of the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter following the retirement from the service of said examiner, a hearing was held before Webster Ballinger, hearing examiner theretofore duly designated and appointed in the place of said Henry P. Alden, and evidence was introduced by counsel for the complaint for and on behalf of the respondent before said examiner, respondent failing to appear, and hearings were closed and the testimony and other evidence duly filed and recorded in the office of the Commission.

(Continued on next page)

CONTENTS

Agriculture Department Page
See also Farm Credit Administration; Commodity Credit Corporation; Production and Marketing Administration.
Notices:
Nebraska and South Dakota; sale of mineral interests; revised area designation 992

Civil Aeronautics Board
Notices:
Continental Air Lines, Inc., and United Air Lines, Inc.; interchange of equipment; hearing 990

Commerce Department
See International Trade, Office of; National Production Authority.

Commodity Credit Corporation
Notices:
Sales of certain commodities at fixed prices; domestic and export price lists for February 991

Economic Stabilization Agency
See also Price Stabilization, Office of.
Rules and regulations:
Questions and answers on the suspension of wage and salary controls by Executive Order 10434, issued February 6, 1953 (Int. 1) 981

Farm Credit Administration
Rules and regulations:
Public information; officers and employees of the Administration and of corporations functioning thereunder 975

Federal Power Commission
Notices:
Hearings, etc.:
Community Public Service Co 987
Lake Shore Pipe Line Co 988
New York State Natural Gas Corp 988
Transcontinental Gas Pipe Line Corp 987
United Fuel Gas Co 987

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
C. G. Whitlock Chemical Co 975
Lynch's Diathermy Co 977

FEDERAL REGISTER

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(For use during 1953)

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Titles 10–13 ($0.40)
Title 49: Parts 71 to 90 ($0.45)

Previously announced: Title 18 ($0.35)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Interior Department Page
See Mines Bureau.

International Trade, Office of
Rules and regulations:
BLT (Blanket) license 978
Denial or suspension of export privileges 978
Enforcement provisions 978
Licensing policies and related special provisions 978
Positive list of commodities and related matters 979
Priority ratings and supply assistance 978

Interstate Commerce Commission
Notices:
Applications for relief:
Cement from points in the South and Midwest to Florida 992
Merchandise from New York, N. Y., to Montgomery, Ala. 992

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Merchandise from points in the East to Dania, Fla., and Memphis, Tenn. 993
Less carload rates between points on the Missouri-Kansas-Texas System Lines and on Illinois Central Railroad (2 documents) 993

Mines Bureau
Notices:
Chief, Administrative Division; redelegation of authority to enter into leases 990

National Production Authority
Rules and regulations:
Designation of scarce materials and withdrawal of previous designation (DSM–1) 981

Post Office Department
Rules and regulations:
International postal service; Norway (including Spitzbergen); postage rates, limits of weight and dimensions 983

Price Stabilization, Office of
Notices:
Directors of the District Offices; redelegation of authority to act:
Region I, Boston, Mass.; under CPR 25 993
Region III, Philadelphia, Pa.; under:
CPR 15 and 16 994
CPR 25 993
Region VI, Cleveland, Ohio; under GOR 40 994
Region VII, Chicago, Ill.; under CPR 15 and 16 994
Region X, Dallas, Tex.; under GOR 40 994
Region XI, Denver, Colo.; under:
CPR 15 and 16 994
GOR 40 994

Production and Marketing Administration
Proposed rule making:
Milk handling:
Cincinnati, Ohio 985
Philadelphia, Pa 984

Salary Stabilization Board
Rules and regulations:
Questions and answers on the suspension of wage and salary controls; editorial note 981

Securities and Exchange Commission
Notices:
Hearings, etc.:
Mississippi Power Co 989
Mississippi Power & Light Co. 990
New England Power Co 989

CONTENTS—Continued

Veterans' Administration Page
Rules and regulations:
Servicemen's Readjustment Act of 1944; delegation of authority 983

Wage Stabilization Board
Rules and regulations:
Questions and answers on the suspension of wage and salary controls; editorial note 981

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter I:
Part 4 975

Title 7
Chapter IX:
Part 961 (proposed) 984
Part 965 (proposed) 985

Title 15
Chapter III:
Part 373 978
Part 375 978
Part 381 978
Part 382 978
Part 398 978
Part 399 979

Title 16
Chapter I:
Part 3 (2 documents) 975, 977

Title 32A
Chapter II (ESA):
Int. 1 981
Chapter IV 981
Chapter VI (NPA):
DSM–1 981

Title 38
Chapter I:
Part 36 983

Title 39
Chapter I:
Part 127 983

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusion based thereon submitted by counsel for the complaint, none having been filed by counsel for respondent, and oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found it to be in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

[1] Filed as part of the original document.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 20, 1952.

The said order to cease and desist is as follows:

It is ordered, That C. G. Whitlock Chemical Company, a corporation, its successors or assigns, officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of an antifreeze solution designated "FRIGID-O-BG" do forthwith cease and desist from:

1. Representing that its product "FRIGID-O-BG," or any other product of substantially similar composition, is an anti-freeze preparation for use in cooling systems of internal combustion engines, without affirmatively stating in a clear and conspicuous manner in immediate conjunction with such representation, that said preparation will rust and corrode the cooling system of such an engine and clog the passages in such cooling system and otherwise damage such engine.

2. Representing that its product "FRIGID-O-BG" contains an effective rust inhibitor and will prevent rust or corrosion of all parts of the engine which it may contact, and particularly the cooling system.

3. Representing that its product "FRIGID-O-BG" will not expand, overflow or be lost in normal operation.

4. Representing that its product "FRIGID-O-BG" will maintain a water level in the radiator to the extent that the engine will not overheat, or that it is a permanent type anti-freeze.

By "Decision of the Commission and order to file report of compliance," Docket 5823, November 20, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 20, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-1655; Filed, Feb. 18, 1953; 8:49 a. m.]

[Docket 5999]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LYNCH'S DIATHERMY CO.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety.* In connection with the sale, offering for sale or distribution of a device designated as "Lynch's Short Wave Diathermy" or any other device of substantially similar character, whether sold under the same name or any other name, directly or indirectly, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device, which advertisements fail to clearly and conspicuously reveal that said device is not safe for use in the home for any self-diagnosed condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated and has prescribed the frequency and rate of application of the treatments and the user has been adequately instructed by a trained technician in the use of such device; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Paul T. Lynch trading as Lynch's Diathermy Company, Philadelphia, Pa., Docket 5999, November 18, 1952]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, respondent's answer, and a stipulation, entered into by and between counsel in support of the complaint and the respondent, that a statement of facts dictated into and made a part of the record in the proceeding might be taken as the facts in said proceeding and in lieu of evidence in support of and in opposition to the charges in the complaint, and might serve as the basis for findings as to the facts and conclusion based thereon, and order disposing of the proceeding, without presentation of proposed findings and conclusions or oral argument.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint, answer and stipulation which had been approved by said examiner and which expressly provided that upon appeal to or review by the Commission, it might be set aside by the Commission and the matter remanded for further proceedings under the complaint, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 18, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent Paul L. Lynch, designated and referred to in the complaint as Paul T. Lynch, an individual trading as Lynch's Diathermy Company, or under any other name, his agents, representatives and employees, directly or through any corporate or other device, in connection with the sale, offering for sale or distribution of a device designated as "Lynch's Short Wave Diathermy" or any other device of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly the purchase of respondent's device, which advertisement fails to clearly and conspicuously reveal that said device is not safe for use in the home for any self-diagnosed condition unless and until a competent medical authority has determined, as a result of diagnosis, that the use of diathermy is indicated and has prescribed the frequency and rate of application of the treatments and the user has been adequately instructed by a trained technician in the use of such device;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's device, which advertisement fails to comply with the requirements set forth in Paragraph 1 hereof.

By "Decision of the Commission and order to file report of compliance," Docket 5999, November 18, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-1654; Filed, Feb. 18, 1953; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 32 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 375—BLT (BLANKET) LICENSE

PART 381—ENFORCEMENT PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 373.2 *Special provisions for iron and steel* is amended in the following particulars:

a. The first unnumbered subparagraph of paragraph (a) *Iron and steel products with Processing Code STEE* is numbered and titled "(1) *Applicability*". The remainder of the subparagraph is unchanged.

b. Subparagraph (1) *Applications* of paragraph (a) is deleted.

c. The Note following paragraph (b) *Iron and steel commodities subject to export licensing general policy*, subparagraph (3) *Applications in excess of quotas; refiling* is deleted.

2. Section 373.29 *Special provisions for certain totally allocated commodities*, paragraph (a) *Commodities included* is amended by deleting from the table set forth therein the following commodity entry:

Commodity	Relevant NPA order	Required NPAF Form
Tin	M-8	7

3. Section 373.51 *Supplement 1: time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting the following entries and related submission dates:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1952	First quarter 1953
	Commodities other than controlled materials:		
	Copper and manufactures:		
618957	Copper-base alloy pipe fittings (including brass and bronze)	Sept. 1-Sept. 15, 1952.	Dec. 1-Dec. 15, 1952.
618959	Copper pipe fittings		
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).		
619034	Phosphor copper brazing rods and wire		
619039	Copper welding rods and wires		
	Aluminum and manufactures:		
630301	Aluminum sheets, corrugated		

4. Part 373—BLT (Blanket) License is amended in the following particulars:

a. Section 375.1 *BLT (Blanket) license* is amended to read as follows:

§ 375.1 *BLT (Blanket) license.* Under the provisions of this part there is established an alternative procedure for the exportation of commodities requiring a validated license. Pursuant to this procedure, application may be made for a BLT (Blanket) license (with exception of applications to export rice, Schedule B Nos. 105500, 105710, and 105750), which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country of destination.

b. Section 375.2 *Commodities subject to procedure* is deleted.

c. Section 375.3 *Application requirements* is renumbered § 375.2. The section is further amended as follows: Paragraph (b) *Orders* is deleted. Paragraphs (c) *Preparation of application* and (d) *Submission of applications* are redesignated respectively paragraphs (b) and (c).

d. The Note following paragraph (d) *Submission of applications* is deleted and a new paragraph (d) is added to read as follows:

(d) *Processing of applications.* (1) The Office of International Trade will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

(2) If the Office of International Trade finds that it will require an extended period of time to process a BLT application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a blanket license will be issued excluding such consignee or consignees. By this method, undue delay will be avoided in processing the application. The Office of International Trade in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

e. Section 375.4 *Export clearance* and § 375.5 *Validity period* are renumbered respectively § 375.3 and § 375.4.

f. Section 375.6 *Other applicable provisions* is renumbered § 375.5 and amended to read as follows:

§ 375.5 *Effect of other provisions.* Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399, inclusive, of this subchapter shall apply equally to applications for and licenses issued under this part.

5a. Section 381.5 *Return or unloading of cargo at direction of Department of Commerce* is amended to read as follows:

§ 381.5 *Return or unloading of cargo at direction of Department of Commerce or Collector of Customs*—(a) *Exporting carriers.* (1) As used in this section, the term "exporting carrier" includes connecting or on-forwarding carriers, as well as the owner, charterer, agent, master, and any other person in charge of the vessel, aircraft, or other kind of carrier, whether such persons are located in the United States or in a foreign country.

(2) The Office of International Trade or any United States collector of customs, where there is reasonable grounds for believing that a violation of export control regulations (Parts 370 through 399 of this subchapter) has occurred or will occur with respect to a particular exportation from the United States, may order any exporting carrier carrying such shipment, or which is otherwise in possession or control thereof, to return or unload the shipment. Such exporting carrier shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of International Trade. For the purpose of this provision, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) The provisions of § 381.4 (f) relating to reporting, notification to the Office of International Trade, and the prohibition against unauthorized delivery or entry of the commodity into a foreign country shall apply also to commodities directed to be unloaded at a port of call, as provided in this section.

(b) *Notification.* Upon discovery by an owner, agent, or other person included within the term "exporting carrier", as defined in paragraph (a) of this section, that a violation of export control regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the Office of International Trade, Washington 25, D. C., and the person in actual possession or control of the shipment.

b. The Note following § 381.5 is unchanged.

6. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders*, is amended by adding the following entries:

[1] This amendment was published in Current Export Bulletin No. 694, dated February 12, 1953.

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Grabell, James J., 110 Fulton St., New York 7, N. Y.	1-27-53	5-27-53	General and validated licenses, all commodities, any destination.	18 F. R. 671, 1-31-53.
Hantra Societe de Commerce Transit, St. Jacobsstrasse 21, Basel, Switzerland.	7-18-52	7-18-55	General and validated licenses, all commodities, any destination; also exports to Canada. (Firm same as Hantra Transit-Handelsgesellschaft, which see.)	17 F. R. 6796, 7-24-52.
Hantra Transit Trading Co., St, Jacobsstrasse 21, Basel, Switzerland.	7-18-52	7-18-55	----do----	17 F. R. 6796, 7-24-52.
Schmoll Fils-Deevy Corp., 110 Fulton St., New York 7, N. Y.	1-27-53	5-27-53	General and validated licenses, all commodities, any destination.	18 F. R. 671, 1-31-53.

7. Section 398.8 *Supply assistance for foreign petroleum operations,* paragraph (f) *Instructions for Form PAD–26A and IT–824* is amended in the following particulars:

The following unnumbered subparagraph is inserted immediately following the second unnumbered subparagraph of paragraph (f):

In filling out section IV–B of Form PAD–26A, covering requirements of manufactured machinery or equipment, include only those items for which priority assistance is required. Items of manufactured machinery or equipment not requiring priority assistance should be included in section III–D of this form.

This amendment shall become effective as of February 12, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53–1657; Filed, Feb. 18, 1953; 8:50 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 30 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Transforming or converting apparatus, n. e. c., and parts, n. e. c.:				
702810	Mercury-arc rectifiers, 20 kilowatts up to 50 kilowatts (report mercury power rectifiers 50 kilowatts and over in 702600).	No.	ELME 2	None	RO
702810	Mechanical power rectifiers, 50 kilowatts and over	No.	ELME 2	None	RO
	Electrical apparatus, n. e. c., and parts, n. e. c.:				
709998	Parts, specially fabricated for mechanical power rectifiers of 50 kilowatts and over.		ELME 2	25	RO

This part of the amendment shall become effective as of 12:01 a. m., February 19, 1953.

[1] This amendment was published in Current Export Bulletin No. 694, dated February 12, 1953.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Electrical quantity measuring and testing instruments, and parts:
703620	Automotive-type electrical quantity indicating instruments.[1]
703825	Automotive-type electrical testing instruments, n. e. c.[1]
703850	Parts, n. e. c., specially fabricated for automotive-type electrical quantity measuring and testing instruments.[1]
999930	Military apparel: Underwear and under garments; socks, stockings, and anklets; handkerchiefs; neckties; trouser belts and suspenders; gloves and mittens (other than electrically heated); shoes, boots, slippers, and overshoes (other than electrically heated and specially insulated); rain hats; sweaters, mufflers, and scarves; leggings; cotton trousers and cotton shirts (other than Army and Marine Corps fatigue and field types); wearing apparel manufactured in the U. S. for any uniformed branch or service of a foreign country, such as military academies, police forces, customs officials, etc., provided not identical to any U. S. military apparel; other military outer wearing apparel that has been dyed or otherwise altered so it is readily distinguishable from a part of a U. S. Army, Navy, Air Force, Marine Corps or Coast Guard uniform.[2]

[1] The above commodities have been reclassified by the Bureau of the Census under Schedule B No. 793185. The commodities are hereby deleted from the Positive List. However, since these commodities are not specifically mentioned in the present entries under Schedule B Nos. 703620, 703825, and 703850, those entries remain unchanged on the Positive List.

[2] By this amendment, the entry presently on the Positive List under Schedule B No. 999930 is revised to read as follows: "Military apparel of all types and materials (new and used), except: underwear and under garments, socks, stockings, and anklets; handkerchiefs; neckties; trouser belts and suspenders; gloves and mittens (other than electrically heated); shoes, boots, slippers and overshoes (other than electrically heated and specially insulated); rain hats; sweaters, mufflers, and scarves: leggings; cotton trousers, and cotton shirts (other than Army and Marine Corps fatigue and field types); wearing apparel manufactured in the U. S. for any uniformed branch or service of a foreign country, such as military academies, police forces, customs officials, etc., provided not identical to any U. S. military apparel; and other military outer wearing apparel that has been dyed or otherwise altered so that it can be readily distinguished from parts of the U. S. Army, Navy, Air Force, Marine Corps, and Coast Guard uniforms. (See § 373.20 of this subchapter.)"

This part of the amendment shall become effective as of 12:01 a. m., February 12, 1953.

3. The following revisions are made in commodity descriptions:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists
	Transmission and distribution apparatus:					
	Switchgear:					
703200	Oil circuit breakers and oil switches, 2.3 kilovolt operating voltage and over.[1]	No.	ELME 2	100	RO	----
703200	Other oil circuit breakers and oil switches [1]	No.	ELME 2	100	R	----
703300	Power switches and power circuit breakers, n. e. c., 2.3 kilovolt operating voltage and over; and specially fabricated parts, n. e. c., for oil circuit breakers, oil switches, and power switches and power circuit breakers, n. e. c., 2.3 kilovolt operating voltage and over.[2]	----	ELME 2	100	RO	----
703300	Power switches and power circuit breakers, n. e. c., less than 2.3 kilovolt operating voltage; and specially fabricated parts, n. e. c., for oil circuit breakers, oil switches, power switches and power circuit breakers, n. e. c., less than 2.3 kilovolt operating voltage.[2]	----	ELME 2	100	R	----

[1] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 703200. The effect of this revision is to extend the controls from R to RO for oil circuit breakers and oil switches 2.3 kilovolt operating voltage and over.

[2] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 703300. The effect of this revision is to extend the controls from R to RO for power switches and power circuit breakers, n. e. c., 2.3 kilovolt operating voltage and over, and specially fabricated parts for oil circuit breakers, oil switches, and power circuit breakers and power switches, n. e. c. of 2.3 kilovolt operating voltage and over.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity lists
	Motors and controls, n. e. c., and parts (report autosyns, selsyns and other synchronous transmission systems in 709998):					
	Motors, except electric propulsion motors for land transportation vehicles:					
704200	1 up to and including 200 horsepower [3]	No.	ELME 2	None	RO	--------
704300	Over 200 horsepower [4]	No.	ELME 2	None	RO	A
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts:					
704810	Steel mill and other materials handling equipment controls, and specially fabricated parts and accessories, n. e. c. [5]	--------	ELME 2	100	RO	A
704820	Special-purpose controls, n. e. c., and specially fabricated parts and accessories, n. e. c. (specify by name). [6]	--------	ELME 2	100	RO	A
704850	Industrial motor controls, n. e. c., and specially fabricated parts and accessories, n. e. c. (specify by name). [7]	--------	ELME 2	100	RO	A
705500	Parts and accessories, n. e. c., specially fabricated for motors (specify by name). [8]	--------	ELME 2	100	RO	A
709907	Other electronic tubes, n. e. c., commercial and industrial (including all rectifier tubes). [9]	No.	ELME	None	RO	A
	Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name):					
709998	Parts specially fabricated for mercury rectifiers [10]	--------	ELME 2	None	RO	

[3] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 704200. The effect of this revision is (a) to add to the Positive List, RO control, motors 1 to 5 horsepower, and (b) to extend the controls from R to RO and to change the GLV dollar-value limit from $100 to None for motors 5 up to and lucluding 200 horsepower.

[4] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 704300. The effect of this revision is to extend the controls from R to RO for all motors over 200 horsepower.

[5] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 704810. The effect of this revision is (a) to add to the Positive List, RO control, steel mill and materials handling equipment motor controls and specially fabricated parts and accessories, for motors under 5 horsepower, and (b) to extend the controls from R to RO for steel mill and materials haudliug equipment motor controls and specially fabricated parts and accessories, for all motors 5 horsepower and over.

[6] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 704820. The effect of this revision is (a) to add to the Positive List, RO control, special-purpose motor controls and specially fabricated parts aud accessories, for motors under 5 horsepower, and (b) to extend the controls from R to RO for special-purpose motor controls and specially fabricated parts and accessories, for all motors 5 horsepower and over.

[7] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 704850. The effect of this revision is (a) to add to the Positive List, RO control, industrial motor controls and specially fabricated parts and accessories, for motors under 5 horsepower, and (b) to extend the controls from R to RO for industrial motor controls and specially fabricated parts and accessories for all motors 5 horsepower and over.

[8] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 705500. The effect of this revision is (a) to add to the Positive List parts and accessories specially fabricated for motors under 5 horsepower, and (b) to extend the controls from R to RO for parts and accessories specially fabricated for all motors 5 horsepower and over.

[9] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 709907. The effect of this revision is to clarify the coverage.

[10] The above entry is substituted for the ninth entry presently on the Positive List under Schedule B No. 709998. The effect of this revision is to clarify the coverage and to extend the controls from R to RO.

This part of the amendment shall become effective as of 12:01 a. m., February 19, 1953.

4. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
	(Precious included)	
596098	Iron pyrites	50
596098	Cuprous pyrites	50
	Parts for commercial automobiles, trucks, and busses:	
791280	Leaf springs, and spring leaves, for replacement (see § 373.7 of this subchapter)	100
	Other industrial chemicals:	
839900	Lead azide	25

This part of the amendment shall become effective as of 12:01 a. m., February 12, 1953, except for the decrease in GLV dollar value limit for leaf springs, and spring leaves, for replacement, Schedule B No. 791280, which shall become effective as of 12:01 a. m., February 19, 1953.

5. The processing codes set forth opposite the commodity entries listed below are amended by the addition of the following related commodity group numbers so as to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing code and related commodity group No.
501200	Natural gasoline (barrels of 42 gallons)	PETR 1
	Unfinished oils for further refining:	
501350	Topped crude (barrels of 42 gallons)	PETR 1
501390	Other unfinished oils for further refining (barrels of 42 gallons)	PETR 1
	Refined oils:	
	Motor fuel and gasoline (report octane rating):	
	Aviation motor fuels (report jet fuels in 829920):	
501610	100 or over octane number (barrels of 42 gallons)	PETR 2
501620	Under 100, not under 90 octane number (barrels of 42 gallons)	PETR 2
501640	Under 90 octane number (barrels of 42 gallons)	PETR 2
501900	Cyclobexane; and isooctanes (barrels of 42 gallons)	PETR 1
501900	Normal beptane; normal hexane; and Sovasol (barrels of 42 gallons)	PETR 1
501900	Naphtha, mineral spirits, solvents and other finished light products, n. e. c. (barrels of 42 gallons).	PETR 1
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 505900; hydraulic oils, except of petroleum origin in 829984) (see § 373.8 of this subchapter):	
	Industrial, except cutting oils (report cutting oils in 504095):	
503300	Red and pale oils (including all red or pale lubricating oils, except those intended for use in internal combustion engines) (see 503910 and 504030) (barrels of 42 gallons).	PETR 3
503400	Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 503510 and 503520) (barrels of 42 gallons).	PETR 3
503510	Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Sayholt Universal Viscosity at 210° F. of 95 seconds or more) (barrels of 42 gallons).	PETR 3
503520	Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock) (barrels of 42 gallons).	PETR 3
503800	Insulating of transformer oils	PETR 3
	Industrial engine lubricating oils:	
503910	Diesel engine lubricating oils (report diesel fuel oil in 503000) (barrels of 42 gallons)	PETR 3
503920	Turbine lubricating oil (barrels of 42 gallons)	PETR 3
503940	Other industrial engine lubricating oil (barrels of 42 gallons) (specify by name)	PETR 3
503990	Industrial lubricating oils, n. e. c. (barrels of 42 gallons) (specify by name)	PETR 3
504005	Aviation engine lubricating oils (barrels of 42 gallons)	PETR 3
504030	Automotive engine lubricating oils (barrels of 42 gallons)	PETR 3
504050	Automotive gear oils (barrels of 42 gallons) (specify by kind and grade)	PETR 3
504090	Lubricating oils, n. e. c., except in containers of 4 ounces or less (specify by name)	PETR 3

Dept. of Commerce Schedule B No.	Commodity	Processing code and related commodity group No.
504095	Cutting oils and compounds, petroleum base (report cutting oils and compounds, except petroleum base in 825000) (specify by name).	PETR 3
504100	Lubricating greases, except graphite lubricants (report graphite lubricants in 548098)	PETR 3
504200	Petrolatum and petroleum jelly (all grades)	PETR 3
811300	White mineral oil, medicinal grade (report commercial grade in 503300)	PETR 3
	Other industrial chemicals:	
839900	Lead azide	SALT 64

This part of the amendment shall become effective as of February 12, 1953.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits are reduced, as a result of changes set forth in items 1, 3, and 4 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., February 19, 1953, may be exported under the previous general license provisions up to and including March 14, 1953. Any such shipment not laden aboard the exporting carrier on or before March 14, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-1658; Filed, Feb. 18, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[Interpretation 1]

QUESTIONS AND ANSWERS ON THE SUSPENSION OF WAGE AND SALARY CONTROLS BY EXECUTIVE ORDER 10434, ISSUED FEBRUARY 6, 1953 [1]

1. Q. Do wage, salary or other compensation adjustments made on or after February 6, 1953, require approval under the Defense Production Act of 1950, as amended?

A. No.

2. Q. May new wage, salary, or other compensation adjustments be made retroactive to a date when controls were in effect?

A. Any adjustments determined or agreed upon on or after February 6, 1953, may be made without violating the Defense Production Act of 1950, as amended. This does not determine, however, that such retroactive payments are or are not permissible tax deductions for the year in which the services paid for were performed; or that such retroactive payments will necessarily be recognized as permissible reimbursable expense by Government procurement agencies, under the statutes applicable to their operations.

3. Q. What is the effect of the suspension of wage and salary controls on wage and salary agreements or determinations by private parties which were made before February 6, 1953, where petitions were pending before the stabilization agencies?

A. The wage and salary adjustments contained in "petitions pending" before the wage and salary control agencies may be put into effect at this time as of the proposed effective date. Agreements expressly conditioned on the approval of stabilization agencies are deemed approved according to the Executive Order.

4. Q. What is a "petition pending" before the stabilization agencies within the meaning of Executive Order 10434?

A. A petition pending before the stabilization agencies is any petition, including petitions for review, reconsideration or appeal, properly filed in accordance with the applicable procedural regulation on or before February 6, 1953, and not disposed of on or before February 6, 1953.

5. Q. A party, who has exhausted all remedies available under the applicable procedural regulation, has filed a request for further reconsideration of the previous action by the appropriate agency. Is a "petition pending" within the meaning of Executive Order 10434?

A. No. A petition is not pending where a party invokes a procedure not provided for in the applicable procedural regulation.

6. Q. Is a petition for review, reconsideration, or appeal "pending" if it has not in fact been filed but the time within which it could have been filed has not expired?

A. No. Only those petitions which were actually filed with the appropriate agency on or before February 6, 1953, are "pending" within the meaning of the Executive Order.

7. Q. A petition for approval of a wage, salary, or other compensation adjustment was denied or modified by a stabilization agency. May such adjustment now be made in full, retroactive to the proposed effective date?

A. A decision or agreement may now be made to effectuate such adjustment without violating the Defense Production Act of 1950, as amended. This does not determine, however, that such retroactive payments are or are not permissible tax deductions for the year in which the services paid for were performed; or that such retroactive payments will necessarily be recognized as permissible reimbursable expense by Government procurement agencies, under the statutes applicable to their operations.

8. Q. A wage, salary, or other compensation agreement was executed before February 6, 1953, and provided for adjustments subject to stabilization agency approval, but a petition was not filed with the appropriate agency on or before February 6, 1953. What adjustments may now be made?

A. A decision or agreement may now be made to effectuate such adjustment without violating the Defense Production Act of 1950, as amended. This does not determine, however, that such retroactive payments are or are not permissible tax deductions for the year in which the services paid for were performed; or that such retroactive payments will necessarily be recognized as permissible reimbursable expense by Government procurement agencies, under the statutes applicable to their operations.

9. Q. What effect does Executive Order 10434 have upon enforcement proceedings?

A. The Executive Order does not excuse violations committed prior to February 6, 1953. The stabilization agencies are continuing to process enforcement actions.

Issued: Washington, D. C., February 17, 1953.

ARTHUR S. FLEMING,
Acting Economic Stabilization Administrator.

[F. R. Doc. 53-1693; Filed, Feb. 17, 1953; 1:38 p. m.]

[1] These questions and answers are applicable to the programs administered by the Wage Stabilization Board, the Wage Stabilization Committee, the Office of Salary Stabilization, and the Railroad and Airline Wage Board, formerly contained in Title 32A, Chapter IV.

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

EDITORIAL NOTE: For questions and answers on the suspension of wage and salary controls by Executive Order 10434, issued February 6, 1953, see F. R. Doc. 53-1693, Chapter II of this title, *supra*.

Chapter VI—National Production Authority, Department of Commerce

[NPA Designation of Scarce Materials 1, as Amended February 18, 1953]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

Designation of Scarce Materials 1, as last amended December 24, 1952, is amended by adding to List A the items "aluminum foil" and "aluminum powder, flake and paste"; by deleting certain items from List A; by listing in List B of this amended designation such deleted items withdrawn from their pre-

vious designation as scarce materials; and by changing the date in section 8.

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, as amended, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 as amended December 24, 1952, are hereby withdrawn from such designation.

Designation of Scarce Materials 1, as amended, shall take effect February 18, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds.
Toluene.

FOREST PRODUCTS

Lumber:
- Cedar: Port Orford.
- Cypress.
- Douglas fir, thick clears.
- Eucalyptus: Ironbark.
- Lignum vitae.
- Teak.

Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

IRON AND STEEL

Iron:
- Pig iron.

Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.

Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake and paste.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, Bollvian crocidollte.
Beryllium: Metal oxides, master alloys, and compounds.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waffle, brass mill castings, copper precipitates, and intermediate shapes.
Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Cryolite.
Diamond grinding wheels.
Diamonds, industrial.
Fluorspar, acid grade.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commerclally recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, tin, and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extruslons.
Titanium-bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate and other vanadium-bearing products.
Zirconium; Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, noils and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.
Reels and spools, shipping and package (wholly or in part of metal).

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION OF SCARCE MATERIALS 1, AS AMENDED DECEMBER 24, 1952

METALS AND MINERALS

Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Tin scrap.

MISCELLANEOUS

Metal cans.
Collapsible tubes.
Packaging closures made in whole or in part of controlled materials.

[F. R. Doc. 53-1732; Filed, Feb. 18, 1953; 11:13 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

DELEGATION OF AUTHORITY

In § 36.4342, paragraph (c) is amended to read as follows:

§ 36.4342 *Delegation of authority.* * * *

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 (a) or section 508 (b) of the act or to sue, or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization; or (2) to include the authority to exercise those powers reserved to the Administrator under §§ 36.4335, 36.4343, and 36.4344, or those delegated to the assistant administrator for finance, or director, loan guaranty service, under § 36.4343 or § 36.4344: *Provided,* That in any case where a loan which is sought to be guaranteed or insured under the provisions of § 36.4343 or § 36.4355 is made by a lender of the class described in section 500 (d) of the act without obtaining prior approval, the assistant administrator for finance, if he finds that such loan otherwise meets the requirements of the act and the regulations concerning guaranty or insurance of loans to veterans, may authorize the issuance of evidence of guaranty or insurance thereon: *And provided further,* That anything in the regulations concerning guaranty or insurance of loans to veterans to the contrary notwithstanding, any evidence of guaranty or insurance issued on or after July 1, 1948, by any of the employees designated in paragraph (b) of this section shall be deemed to have been issued by the Administrator, subject to the defenses reserved in section 511 of the act.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective February 19, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-1656; Filed, Feb. 18, 1953; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NORWAY (INCLUDING SPITZBERGEN); POSTAGE RATES, LIMITS OF WEIGHT AND DIMENSIONS

a. In § 127.320 *Norway (including Spitzbergen)* amend paragraph (b) (3) by striking out subdivision (i).

b. In § 127.1 *Postage rates, limits of weight and dimensions* amend footnote 4 following Table No. 2, by inserting "Nicaragua" after "Mexico" in the fourth line.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372)

[SEAL] ROY C. FRANK,
Solicitor.

[F. R. Doc. 53-1634; Filed, Feb. 18, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 961]

[Docket No. AO–160–A–14–RO 1]

HANDLING OF MILK IN THE PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on January 28, 1953, pursuant to notices thereof issued December 18, 1952 (17 F. R. 11723) and January 21, 1953 (18 F. R. 553). This hearing was called to reopen consideration of the issues of record at the hearing of August 12 and 13, 1952, of which notice was issued on July 18, 1952 (17 F. R. 6749), as well as other proposals which had been submitted.

The material issues considered on the record of the reopened hearing on January 28, 1953, were as follows:

1. The price to be paid for Class II milk.

2. Whether the market situation requires emergency action on changes in the Class II price.

Upon completion of the evidence on these issues, the record with respect to these issues was closed at the request of interested parties, and the hearing recessed to a later date for receiving evidence on other issues.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing.

1. *Price for Class II milk.* The price for Class II milk should be adjusted by advancing to the earliest date possible the 10-cent seasonal reduction which otherwise would take effect April 1st, and for the period March through June 1953, the price for milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk should not exceed the New York order class III price.

Handlers and producers requested that the price for Class II milk be reduced at the earliest possible date. Receipts of milk from producers are at an unprecedented high level for the season of the year, and one handler has given notice that he will not accept all of the increased volume after February 1 at the Class II price provided by the order. It was testified that a lower Class II price would encourage handlers to process more producer milk into manufactured products in their own plants, and would make it easier to divert some of the excess to non-handler manufacturing plants.

Deliveries of milk by producers for this market were in December 1952, 5 percent higher than a year earlier and 7 percent higher than in 1950 and 1949. Reports by the Market News Service indicate receipts during January are continuing at a level above a year earlier. Normally milk production in this area increases from the January level during the first part of the year and continues to increase through May and June. Accordingly, it appears on the basis of record data that the receipts of producer milk during the spring months may be expected to be somewhat higher than in recent years.

The volume of milk disposed of as Class I, however, has not kept pace with the increased milk receipts. Using as a basis for comparison the latest three months for which data is available (October, November and December) Class I sales increased about 1½ percent over the same period in 1951, but the increase in milk receipts was about 3½ times the increase in Class I disposition.

The market situation with respect to disposition of Class II milk is also affected by the relatively large stocks of some manufactured dairy products currently reported as in storage. The size of the carry over of such stocks is an important factor affecting the willingness of plant operators to accept milk for manufacturing uses.

The price formula for Class II milk in the order is designed to adjust the price automatically for changes in general supply conditions, since it is based on market prices for cream and nonfat dry milk. The formula also contains a seasonal factor in the form of a 10-cent reduction in April, May and June, which is the time of year when milk supplies normally are greatest, a greater proportion of the supply tends to move into the lower valued uses, and more handling and transportation costs may be involved in disposition of some of the milk than at other times. During the spring months of 1952, because of an unusually high level of milk production for this market, it appeared that some additional price adjustment was needed, and the formula price for Class II milk was amended so that it provided a lower price for milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk. Milk in these uses was priced not higher than the New York order Class III price. About 40 percent of total Class II utilization was in these uses during the effective period of the price adjustment.

On the basis of the record data, it is concluded that the method used for pricing milk in Class II disposition during the flush months last year should also apply this year, but should be made effective earlier, because of the more aggravated conditions affecting the disposal of excess milk. The effective time of the 10-cent per hundredweight seasonal reduction in the Class II formula price should be advanced to the earliest date possible. Inasmuch as plants supplying this market are interspersed with plants supplying the New York market, the New York order Class III price is an important competitive factor affecting the disposal of excess milk by Philadelphia handlers. Although it cannot be predicted whether that price or the Class II price under this order will be higher during the spring months, the application of the lower of the two prices beginning with March, which is the month when the New York Class III price shifts to a butter price basis instead of Boston cream prices, will give handlers in this market assurance of a price not higher than the New York order Class III price, in disposition in the specified uses. This alternative pricing system should extend through June 1953. The order provisions, in this connection, should be similar to the provisions effective during April, May and June 1952.

Although producers and handlers proposed more drastic price changes, the order changes recommended herein appear likely to provide for adequate adjustments to changing supply conditions and other market conditions as they develop throughout the period of high production.

2. *Need for emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator of Production and Marketing Administration and the opportunity for exceptions thereto on the actions contained in the amendments herein provided.

Conditions complained of are such that it is urgent that remedial action be taken as soon as possible. In view of the large stocks of dairy products currently reported in storage, handlers are reluctant to accept increased volumes of milk at current order prices and one handler has already set quotas of how much milk each producer may deliver after February 1. The level of milk production by producers for this market exceeds that in previous years and it may be expected that the surplus condition which usually exists during the spring months will occur earlier this year. Accordingly, the time necessarily involved in the preparation, filing and publication of the recommended decision and the consideration of exceptions thereto would make such relief ineffective.

The propriety of omitting a recommended decision and opportunity of filing exceptions thereto with respect to the issues here decided was indicated in the hearing record.

Rulings on proposed findings and conclusions. Following the hearing a period was allowed for the filing of briefs containing suggested findings of fact, con-

clusions, and arguments with respect to the proposals discussed at the hearing. None were received.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December, 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" and "Order amending the order as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended governing proceedings to formulate marketing agreements and order have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended, by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as follows:

1. In § 961.40 (b) delete subparagraph (3) and insert subparagraphs (3) and (4) as follows:

(3) During the months of February and March 1953 deduct 10 cents from the price calculated pursuant to subparagraphs (1) (excluding the proviso) and (2) of this paragraph.

(4) The price for any of the months of March through June 1953 for milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk shall not exceed the sum of the following: (i) A butterfat value computed as follows: To the average butter price per pound computed pursuant to subparagraph (1) of this paragraph add 2 cents, multiply by 1.22 and by 4, and deduct 19 cents, and (ii) a skim milk value computed by multiplying by 7.8 the weighted average (using the weight of 70 for roller process prices and a weight of 30 for spray process prices) of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption, in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and subtract 54 cents.

2. In § 961.41 reword paragraph (b) as follows:

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as follows: Divide the average of the cream quotations used in calculating the Class II price by 334.8 and subtract 0.67 cent; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the butter value by 40; and in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, during March, April, May and June 1953, divide the butterfat value computed pursuant to § 961.40 (b) (4) by 40.

[F. R. Doc. 53-1670; Filed, Feb. 18, 1953; 8:52 a. m.]

[7 CFR Part 965]

[Docket No. AO-166-A16]

HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agri-

culture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing was conducted at Cincinnati, Ohio, on December 16, 1952, pursuant to notice thereof which was issued on December 9, 1952 (17 F. R. 11242).

The material issues presented on the record relate to:

1. The pricing of Class I milk in March.
2. Marketing service deductions.

Findings and conclusions. The following findings and conclusions are based upon the evidence submitted at the hearing and the record thereof.

Pricing of Class I milk in March. No change should be made in the pricing of Class I milk for March.

Pursuant to the present pricing provisions of the order, the amount added to the basic formula price (hereinafter referred to as the Class I differential) to determine the Class I price cannot be lower in December, January, or February than it was in the immediately preceding November. It was proposed that March also be included as a month during which the Class I differential could not be lower than in the preceding November.

Production of producer milk for the market usually reaches its seasonal low in November or December and increases seasonally from then to May or June. Analysis of the increases in average daily production of producer milk from December to January, January to February, and February to March during the last four years indicates that, except in the winter of 1949–1950, the increase from February to March was greatest. In the 1949–1950 period the increase from January to February slightly exceeded the increase from February to March. Of the last four fall and winter periods, March average daily production of producer milk exceeded average daily production during each of the preceding months of September through February in two years, during each of the preceding months of October through February in one year, and during each of the preceding months of November through February in the other year. In March average daily production of producer milk is usually over one-fourth greater than it was during the month of lowest production.

This analysis would indicate no need for maintaining the March Class I differential at the same rate prevailing during the month of November.

The record shows no unusual conditions currently existing or in prospect which would justify a higher Class I differential in March 1953 than should normally be provided for the month of March.

Marketing service deductions. The marketing service deduction for producers for whom the market administrator performs marketing services should be increased to 6 cents per hundredweight of milk. The present rate of deduction is 4 cents per hundredweight of milk.

The market administrator is not currently receiving sufficient funds from the marketing service deductions to adequately perform the marketing services which the order requires. His experiences in Cincinnati and in other markets in which he is also market administrator indicate that in order to assure sufficient funds in Cincinnati to adequately perform the marketing services required by the order, a maximum permissible rate of marketing service deduction of 6 cents per hundredweight of milk should be provided. This rate of marketing service deduction and the income resulting therefrom would be similar to the rates and income pursuant to other Ohio orders.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Rulings. All of the statements, proposed findings and conclusions, and arguments contained in the briefs filed by interested parties were carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth.

One of the briefs contained a statement implying that additional funds resulting from adoption of the proposed increase in marketing service deductions would be used for purposes other than performing marketing services for the producers from whom the deductions were made. The order specifically requires the use of such funds to furnish marketing services for such producers and describes the type of marketing services to be performed.

It was asserted in one of the briefs that if 1 cent of the 4 cents presently deducted for marketing services is necessary to cover the costs of the bulletin which the market administrator publishes to furnish market information to producers from which such deductions are made, the annual cost of such bulletin to the average producer exceeds $10. In the last 12 months the average production of milk per producer has averaged about 7000 pounds. If the average production of the producers for whom the market administrator performs marketing services is about the same as the average production per producer for all producers supplying the market, then the total marketing service deductions per producer have averaged about $28 per year. If about one-fourth of this $28 per year was used to cover costs of providing market information through the bulletin, then the bulletin has cost each producer an average of about $7 per year. Under the increased rate of marketing service deductions, herein proposed, total deductions per producer would average about $42 per year.

To the extent that the findings and conclusions contained herein are inconsistent with the findings and conclusions proposed in the briefs, the requests to make the findings or to reach the conclusions proposed in the briefs are denied on the basis of the facts found and stated herein.

At the hearing a representative of the Consumer Conference of Greater Cincinnati read a resolution of that organization proposing that the milk marketing order for Cincinnati be terminated. Such an order can be terminated only upon a finding by the Secretary of Agriculture that (1) such termination is favored by a majority of producers by number and volume of production, or (2) that the order obstructs or does not tend to effectuate the declared policy of the Agricultural Marketing Agreement Act. A finding that termination is favored by a majority of producers cannot be made at this time, and a finding is made in this decision that the order, as amended, and as herein proposed to be further amended, does tend to effectuate the declared policy of the act. Accordingly the proposal to terminate the order must be denied.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

Amend § 965.75 (a) to read as follows:

(a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act

of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

Dated: February 16, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53–1669; Filed, Feb. 18, 1953; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E–6476]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

FEBRUARY 12, 1953.

Take notice that on February 11, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $1,600,000 principal amount of promissory notes to be dated at such time or times as short-term bank loans are made on or before June 1, 1953, and to be due 120 days after date thereof; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 27th day of February 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1639; Filed, Feb. 18, 1953; 8:47 a. m.]

[Docket No. G–1414]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER DENYING REQUESTS THAT PETITION BE HEARD UNDER SHORTENED PROCEDURE AND FOR TEMPORARY CERTIFICATE, AND FIXING DATE OF HEARING

FEBRUARY 12, 1953.

On December 18, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation having its principal place of business at Houston, Texas, filed a "Second Petition to Amend Order Issuing Certificate of Public Convenience and Necessity," by which it requests deletion of the following Paragraph B (4) of the Commission's order issued January 26, 1951. Paragraph B (4) provides that:

> Until further authorization by the Commission, the facilities herein authorized to be constructed and operated shall be operated only to render emergency service of gas to its customers in the New York area through the "New York Facilities."

Notice of filing of the petition has been given, including publication in the FEDERAL REGISTER on January 10, 1953 (18 F. R. 235–236).

Transcontinental has requested that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings. Transcontinental also requests a temporary certificate pending a final disposition of its petition.

The Commission finds: Good cause has not been shown for granting Transcontinental's request that its petition be heard under the shortened procedure as provided by the Commission's rules of practice and procedure or its request for a temporary certificate.

The Commission orders:

(A) The request made by Transcontinental Gas Pipe Line Corporation that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure and its request for a temporary certificate, be and the same are hereby denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 3, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the petition and application herein.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules and practice and procedure.

Date of issuance: February 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1637; Filed, Feb. 18, 1953; 8:46 a. m.]

[Docket No. G–2061]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 12, 1953.

On September 12, 1952, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business at Charleston, West Virginia, filed an application, which was supplemented on December 11, 1952 and on February 2, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction of certain natural-gas transmission facilities, hereinafter described, in connection with the proposed development of certain underground storage facilities, all as more fully described in said application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 32.5 miles of 24-inch natural-gas transmission pipeline extending from its existing Lanham Compressor Station in Putnam County, West Virginia, to a proposed new storage pool near Ripley, in Jackson County, West Virginia, and to activate said proposed storage pool, to be designated as X–59 with an estimated ultimate maximum daily withdrawal rate of 70,000 Mcf at a minimum storage pressure of 550#.

Applicant also proposes to construct and operate approximately 18 miles of 20-inch natural-gas transmission pipeline extending from a point of connection with the proposed 32.5 miles of 24-inch pipeline hereinbefore described, in the proposed storage pool X–59, to its proposed storage pool X–58 near Limestone, in Wood and Wirt Counties, West Virginia, and to construct and operate a compressor station, to be known as Compressor Station X–58, consisting of three 880 horsepower units, together with auxiliary equipment and piping, to be located at said proposed storage pool X–58.

Applicant heretofore has made application, in Docket No. G–1952, for authorization to acquire leaseholds, drill wells and install well and field lines in connection with the activation and operation of said proposed storage pool X–58. Proceedings upon said application are presently pending decision by a Presiding Examiner who conducted the hearing in that case.

The Commission finds: With respect to that part of the application, as supplemented, herein, involving construction and operation of the facilities consisting of approximately 32.5 miles of 24-inch pipeline in connection with the activation and operation of Applicant's proposed storage pool X–59, this part of the proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 4, 1952 (17 F. R. 8927).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 16, 1953, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by that part of such applica-

tion, as supplemented, in which Applicant requests authorization for the construction and operation of approximately 32.5 miles of 24-inch pipeline and for the activation and operation of its proposed storage pool X–59: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding with respect to said facilities pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) With respect to the remainder of the facilities involved in Docket No. G–2061, hereinbefore described, hearing and decision shall be deferred pending further order of the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1638; Filed, Feb. 18, 1953; 8:46 a. m.]

[Docket No. G–2118]

LAKE SHORE PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

FEBRUARY 12, 1953.

On January 16, 1953, Lake Shore Pipe Line Company (Lake Shore) filed its First Revised Sheet Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of February 15, 1953. The proposed increase in rates and charges would result in an estimated increase of about $220,000 or 28 percent per year, based upon estimated sales for the years 1953–55 inclusive.

Lake Shore bases its proposed increase in rates and charges, among other things, upon increased costs of purchased gas from its supplier, Tennessee Gas Transmission Company, whose increased rates have been suspended in Docket No. G–2052. In part also, Lake Shore relies upon claimed increases in operating expenses and plant investment costs in excess of those presented in its certificate proceedings in Docket No. G–1236.

The increased rates and charges proposed in said First Revised Sheet Nos. 4, 5, 6, and 7 to Lake Shore's FPC Gas Tariff, Original Volume No. 1, as filed on January 16, 1953, have not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful.

On February 10, 1953, Lake Shore filed a motion requesting that the rate schedules be permitted to become effective on February 15, 1953, without suspension, or that they not be suspended beyond March 15, 1953. If permitted to become effective without suspension or not later than March 15, 1953, Lake Shore voluntarily offers to file with the Commission a bond in the form usually prescribed by the Commission to be effective on whatever date the Commission permits the proposed increased rates to go into effect.

Lake Shore states that 48 percent of the proposed increase represents an increase in cost of gas purchased from Tennessee Gas Transmission Company which may become effective under bond in Docket No. G–2052 on February 15, 1953.

The Commission finds:

(1) Proper administration of the Natural Gas Act requires that the motion made on February 10, 1953, by Lake Shore be denied.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Lake Shore's First Revised Sheet Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, and that said First Revised Sheet Nos. 4, 5, 6, and 7 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Lake Shore's motion filed February 10, 1953, be and the same is hereby denied.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Lake Shore Pipe Line Company's First Revised Sheet Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1.

(C) Pending such hearing and decision thereon, Lake Shore's First Revised Sheet Nos. 4, 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until July 16, 1953, and until such further time thereafter as said proposed First Revised Sheet Nos. 4, 5, 6, and 7 may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 12, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1635; Filed, Feb. 18, 1953; 8:45 a. m.]

[Docket No. G–2119]

NEW YORK STATE NATURAL GAS CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

FEBRUARY 12, 1953.

On January 15, 1953, New York State Natural Gas Corporation (Applicant) filed First Revised Sheet Nos. 4, 5, 6, 7A, 10, and 17A, Second Revised Sheet Nos. 12, 14, 17, and 18, and Third Revised Sheet Nos. 8 and 16 to its FPC Gas Tariff, Original Volume No. 1; and First Revised Sheets Nos. 14 and 18 to its FPC Gas Tariff, Original Volume No. 2, which, unless suspended, will become effective February 15, 1953, and will result in an increase of approximately $3,741,000 annually, or approximately 10.7 percent, to its resale customers, based on estimated sales for the year ending February 14, 1954. The distribution of such increase among Applicant's customers is shown in Appendix A to this order.

The proposed increase in rates and charges is based, among other things, upon claimed increases in the cost of gas purchased which may not be fully realized, claimed increased purchases of natural gas to offset asserted declining production from Applicant's own wells; and claimed increases in wages and rental expense. In connection with the large storage project dedicated for service to its affiliates, The East Ohio Gas Company and The Peoples Natural Gas Company, Applicant proposes an increased rate for all gas deliveries deemed to be from its pipeline system, and a reduction in the income tax apportioned under the cost-of-service formula for all costs associated with the storage facilities.

It does not appear that the proposed increase in rates and charges has been supported as required by section 4 (e) of the Natural Gas Act, and the proposed rates may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

All of Applicant's resale customers, as well as interested regulatory agencies, were invited to submit comments with respect to the application for the proposed increase. The New York Public Service Commission advised that the proposed rates should be thoroughly investigated. Thirteen customers submitted comments. In general these object to the proposed increase. The Pennsylvania Public Utility Commission and the two affiliated companies advised they had no comments at this time.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 thereof, concerning the lawfulness of New York State Natural Gas Corporation's FPC Gas Tariff, Original Volume No. 1, as amended by proposed First Revised Sheet Nos. 4, 5, 6, 7A, 10, and 17A, Second Revised Sheet Nos. 12, 14, 17, and 18, and Third Revised Sheet Nos. 8 and 16; and FPC Gas Tariff, Original Volume No. 2, as amended by proposed First Revised Sheet Nos. 14 and 18, and that said proposed revised sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Com-

mission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, contained in New York State Natural Gas Corporation's FPC Gas Tariff Original Volume No. 1 as amended by proposed First Revised Sheet Nos. 4, 5, 6, 7A, 10, and 17A, Second Revised Sheet Nos. 12, 14, 17, and 18, and Third Revised Sheet Nos. 8 and 16, and FPC Gas Tariff, Original Volume No. 2 as amended by proposed First Revised Sheet Nos. 14 and 18.

(B) Pending such hearing and decision thereon, New York State Natural Gas Corporation's proposed First Revised Sheet Nos. 4, 5, 6, 7A, 10, and 17A, Second Revised Sheet Nos. 12, 14, 17, and 18, and Third Revised Sheet Nos. 8 and 16 to its FPC Gas Tariff, Original Volume No. 1; and proposed First Revised Sheet Nos. 14 and 18 to its FPC Gas Tariff, Original Volume No. 2 be and the same are hereby suspended and their use deferred until July 15, 1953, and until such further time as said proposed revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: February 12, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A

NEW YORK STATE NATURAL GAS CORPORATION—DISTRIBUTION OF INCREASES IN RATES YEAR ENDING FEB. 14, 1954

Purchaser	Deliveries Mcf	Revenues		
		Present	Proposed	Increase
Sales under FPC gas tariff, original volume No. 1				
Crystal City Gas Co	730, 500	$311, 948	$354, 996	$43, 048
Empire Gas & Fuel Co	1, 041, 000	387, 779	441, 911	54, 132
Empire Gas & Fuel Co., Ltd	1, 265, 000	529. 121	602, 005	72, 884
Fillmore Gas Co., Inc	110, 000	47, 028	53, 519	6, 491
Hanley and Bird	365, 000	121, 366	138, 156	16, 790
Iroquois Gas Corp	1. 878. 500	794, 024	903, 502	109. 478
New York State Electric & Gas Corp	7, 228, 527	2, 890, 676	3. 131, 783	241, 107
Niagara Mohawk Power Corp	29. 955, 000	12, 923, 488	14. 712, 909	1, 789, 421
North Penn Gas Co	4, 463, 000	1, 637, 112	1, 865, 384	228, 272
Pavilion Natural Gas Co	972. 500	412, 119	468, 953	56, 834
Pennsylvania Gas Co	1, 703, 000	634, 372	722, 924	88, 552
Penn-York Natural Gas Corp	4, 117, 000	1, 612, 016	1, 835, 831	223, 815
Producers Gas Co	1, 232, 500	520, 373	592, 114	71, 741
Republic Light, Heat, & Power Co	219. 000	93, 625	106. 546	12, 921
Rochester Gas & Electric. Corp	10, 190, 000	4, 028, 066	4. 586. 941	558, 875
Southern Tier Gas Corp	257, 000	109, 869	125, 031	15, 162
United Natural Gas Co	6, 872, 000	2, 284, 940	2, 601, 052	316, 112
Woodhull Municipal Gas Co	29, 000	12, 401	14, 109	1, 708
Total, volume No. 1	72, 628, 527	29, 350, 323	33, 257, 666	3, 907. 343
Sales under FPC gas tariff, original volume No. 2				
The Peoples Natural Gas Co	3, 180, 000	$1, 065, 300	$1, 211, 580	$146, 280
The East Ohio Gas Co., and The Peoples Natural Gas Co	(1)	[2] 4, 406, 795	[2] 4, 093, 859	[2] (312, 936)
Total, Volume Nos. 1 and 2	75, 808, 527	34, 822, 418	38, 563, 105	3, 740, 687

[1] Not available.
[2] Data for year 1952.

[F. R. Doc. 53-1636; Filed, Feb. 18, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2985]

MISSISSIPPI POWER CO.

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT TERM UNSECURED NOTES

FEBRUARY 13, 1953.

Mississippi Power Company ("Mississippi"), a public utility subsidiary of the Southern Company, a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the act and Rules U-20, U-23 and U-24, promulgated thereunder, with respect to the following proposed transactions:

Mississippi proposes to issue and sell, from time to time prior to July 1, 1953, $2,100,000 principal amount of short term bank loan notes to sixteen banks, whose participations are designated in the filing. The notes will mature not later than nine months from the dates of issue and will bear interest at the current rate for nine month bank loans at the time of their issuance, which is 3 percent at the present time. In the event that the interest rate is in excess of 3¼ percent per annum at the time any of said notes is to be issued, Mississippi will file an amendment hereto stating the rate of interest and other details of such note or notes at least 5 days prior to the execution and delivery thereof.

Declarant states that the proceeds to be derived from the sale of these notes will be used to finance improvements, extensions and additions to its utility plant or to reimburse its treasury in part for expenditures incurred for such purposes. Mississippi proposes to retire the notes out of the proceeds from the sale of additional securities of a type and in an amount not yet determined.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Declarant estimates that the expenses in connection with the proposed transactions will not exceed $500 including $250 for legal fees.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1642; Filed, Feb. 18, 1953; 8:47 a. m.]

[File No. 70-2993]

NEW ENGLAND POWER CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF NEW PREFERRED STOCK

FEBRUARY 13, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by New England Power Company ("NEPCO"), a public-utility subsidiary of New England Electric System, a registered holding company. The filing has designated sections 6 (a), 6 (b), 7 and 12 (c) of the act and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

NEPCO proposes to create a new class of preferred stock with a par value of $100 per share, to be designated Dividend Series Preferred stock, and to issue 80,140 shares of an initial series of such stock to be designated Cumulative Preferred Stock, __ Percent Series. The 80,140 shares of new preferred stock are to be offered, during a period of not less than 15 days, to the holders of NEPCO's outstanding 6 percent Cumulative Preferred Stock (noncallable) for subscription in the ratio of one share of new preferred stock for each share of 6 percent Cumulative Preferred Stock held, pursuant to the preemptive rights accorded such stock in the company's charter. This offering is to be underwritten and the holders of old preferred stock may subscribe for the new preferred stock at a price to be fixed by the successful bidder as the price to be paid to NEPCO for the unsubscribed shares

determined pursuant to the competitive bidding requirements of Rule U-50. The rights to subscribe will be evidenced by transferable subscription warrants.

The dividend rate on the new preferred stock and the price to the company (to be not less than $100 nor more than $102.75 per share) are to be determined by the competitive bidding. The bidders will be required to specify the aggregate amount of compensation to be paid by NEPCO as compensation for their commitments and obligations in connection with the purchase of the unsubscribed shares.

The total expense in connection with the proposed issuance and sale of the new preferred stock is estimated not to exceed $60,000 and such total estimated expense includes $18,000 for services performed at cost by New England Power Service Company, an affiliated service company.

The proceeds of the sale of the new preferred stock will be applied to the payment of notes and the balance, if any, will be used for construction purposes. The filing states that NEPCO has outstanding $9,400,000 principal amount of short-term notes, due April 1, 1953, under a loan agreement with five banks and that the company anticipates that upon completion of the new preferred stock financing it will have outstanding approximately $1,400,000 principal amount of notes payable to banks.

The filing indicates that the issuance and sale of the new preferred stock are subject to authorization by the Massachusetts Department of Public Utilities, the Vermont Public Service Commission, and the New Hampshire Public Utilities Commission.

It is requested that the Commission's order become effective upon issuance and that the ten day period for inviting bids with respect to the new preferred stock, as provided in Rule U-50, be shortened to a period of not less than six days.

Notice is further given that any interested person may, not later than February 24, 1953, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 24, 1953, at 5:30 p. m., said application-declaration as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1641; Filed, Feb. 18, 1953; 8:47 a. m.]

[File No. 70-3002]

MISSISSIPPI POWER & LIGHT CO.

NOTICE CONCERNING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS

FEBRUARY 13, 1953.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), an electric utility subsidiary of Middle South Utilities, Inc., ("Middle South"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions which are summarized as follows:

Mississippi proposes to issue and sell $12,000,000 principal amount of First Mortgage Bonds, __ percent Series, due 1983, to be issued under the company's Mortgage and Deed of Trust dated as of September 1, 1944, to Irving Trust Company and Frederick G. Herbst, as Trustees, as heretofore supplemented, and as to be supplemented by a Fourth Supplemental Indenture to be dated as of March 1, 1953.

The coupon rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to the company for the bonds (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount) are to be fixed at competitive bidding in accordance with Rule U-50 of the rules and regulations promulgated under the act.

The declaration states that the proceeds from the proposed sale of bonds are to be used to finance, in part, the construction program of Mississippi, which, declarant estimates will require expenditures of $23,000,000 in 1953 and $6,800,000 in 1954.

Notice is further given that any interested person may, not later than March 2, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 2, 1953, at 5:30 p. m., e. s. t., said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a complete statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1640; Filed, Feb. 18, 1953; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Administrative Order 666]

CHIEF, ADMINISTRATIVE DIVISION

REDELEGATION OF AUTHORITY TO ENTER INTO LEASES

Pursuant to the authority granted to heads of bureaus by the Secretary of the Interior in section 52 of Order 2509, as amended July 18, 1952 (17 F. R. 6793) the Chief, Administrative Division may, within the continental limits of the United States and outside the District of Columbia, lease space in buildings (1) that is to be used wholly or predominantly for the special purposes of the Bureau of Mines and will not be generally suitable for the use of other agencies, or (2) that is required for use incidental to and in conjunction with space that will be used for such special purposes, or (3) that is to be acquired under a lease involving no rental or a nominal consideration of $1 per annum. (See General Services Administration, Real Property Management Regulation No. 1, section 4 (a), December 21, 1950.)

The person who exercises this delegation of authority may, in the territories and possessions of the United States, lease space in buildings either for the general purposes or for the special purposes of the Bureau of Mines.

With respect to any such lease, including a lease approved by the Secretary, the person who exercises this delegation of authority may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

This delegation of authority shall be exercised in compliance with applicable regulations and statutory requirements and shall be subject to the availability of appropriations.

A copy of U. S. Standard Form 81, Revised, "Request for Space," for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department. Such action will be taken with respect to all leasing transactions, including those in which the General Services Administration does not require the filing of Standard Form 81, Revised (General Services Administration, Real Property Management Regulation No. 3, section 4b, June 21, 1951).

Dated: February 11, 1953.

J. J. FORBES,
Director, Bureau of Mines.

[F. R. Doc. 53-1633; Filed, Feb. 18, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5828]

CONTINENTAL AIR LINES, INC., AND UNITED AIR LINES, INC.; INTERCHANGE OF EQUIPMENT

NOTICE OF HEARING

In the matter of the application of Continental Air Lines, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412

and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408, 412, and 1001 of the said act, the above-entitled proceeding is assigned for hearing on March 4, 1953 at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following questions:

1. Does the interchange agreement constitute a lease to an air carrier of a substantial part of the properties of another air carrier, or an agreement to operate a substantial part of such properties, within the meaning of section 408 (a) (2) of the act?

2. Is the agreement consistent with the public interest, having regard to any improvement to air transportation service to be provided by the interchange operation, to any adverse effect upon another air carrier, and to the justness and reasonableness of the terms of the agreement?

3. Will the agreement result in creating a monopoly and thereby restrain competition?

4. What, if any, terms and conditions to protect the public interest ought the Board to impose in the event it approves the agreement?

For further details of the issues involved in the proceeding interested persons are referred to the joint application and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before March 4, 1953, a statement setting forth such propositions of fact or law as he desires to advance, and such person may then appear and participate in the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., February 16, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1659; Filed, Feb. 18, 1953; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND EXPORT PRICE LISTS FOR FEBRUARY 1953

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1583, 18 F. R. 176), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

FEBRUARY 1953 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1952 production; 55,000,000 pounds.	Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Salted creamery butter, in carload lots only; 10,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 70.75 cents per pound; New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico, 71.75 cents per pound; California, Oregon, and Washington, 72.25 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored ("in store" means at the processor's plant or warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cheddar cheese, cheddar and twin styles, standard moisture basis, in carload lots only, 6,000,000 pounds.	U. S. Grade A and higher: All States except those listed below, 40.25 cents per pound. New York, New Jersey, Pennsylvania, New England, and those States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 41.25 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content ("in store" means at the processor's plant or warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime summer yellow, 275,000,000 pounds.[1]	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars or tank wagons at points of storage locations.
Linseed oil, raw, 185,900,000 pounds.[1]	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Olive oil, edible; 50,000 gallons	Market price or $2.67 per gallon in 55-gallon drums, whichever is higher, f. o. b. points of storage locations.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged; 253 hundredweight.	No. 1 Grade, 1950 and 1951 crops: $8.38 per 100 pounds, basis f. o. b. Denver rate area.
Great Northern, bagged; 360,000 hundredweight.	No. 1 Grade, 1949 crop: $9.24 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby Lima, bagged; 365,000 hundredweight.[1]	No. 1 Grade, 1950 crop: $7.16 per 100 pounds, basis f. o. b. California area.
Small white, bagged; 9,700 hundredweight.	No. 1 Grade, 1951 crop: $9.13 per 100 pounds, basis f. o. b. California area.
Pea, bagged; 871,000 hundredweight.[1]	No. 1 Grade, 1951 crop: $9.50 per 100 pounds, f. o. b. Michigan area.
Austrian winter peaseed, bagged; 2,070,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Austrian winter peas, bagged, not certified for purity or germination; 1,607,000 hundredweight.[1]	In Portland, Oreg., area only. The domestic market price for feed but not less than $3 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged; 1,045,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Common and Willamette vetch seed, bagged; 129,400 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Red clover seed, uncertified, bagged; 56,320 hundredweight.	$35 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red clover seed, certified, bagged: Cumberland, 1,000 hundredweight; Midland, 620 hundredweight.	$35 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and Kansas City PMA Commodity offices.
Ladino clover seed, certified, bagged; 78,000 hundredweight.	$105 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. $100 in lots of 60,000 pounds or more. Above prices will not be reduced during period ending Aug. 31, 1953. Available Portland and San Francisco PMA Commodity offices.
Crimson clover seed, bagged; 130 hundredweight.	$18 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Biennial sweet clover seed, bagged; 28,000 hundredweight.	$9 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago, Portland, Kansas City, and Minneapolis PMA Commodity offices.
Hubam sweet clover seed, bagged; 47 hundredweight.	$11.43 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available New Orleans PMA Commodity office.
Smooth bromegrass, uncertified, bagged; 15 hundredweight.	$17.02 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago PMA Commodity office.
Mountain bromegrass, bromar certified, bagged; 530 hundredweight.	$22.44 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Hairy Vetch seed, bagged; 70,800 hundredweight.	$1 plus support price at point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Birdsfoot Trefoil seed, bagged; 1,160 hundredweight.	$75 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available San Francisco and Portland PMA Commodity offices.
Rough pea seed, bagged; 6 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available Portland PMA Commodity office.
Primar slender wheatgrass seed, certified, bagged; 30 hundredweight.	$32.35 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity office.
Wheat-bulk; 25,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 33 cents per bushel if received by truck; or (2) 28 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.77; Minneapolis, No. 1 HDNS, ex rail or barge, $2.80; Chicago, No. 1 RW, ex rail or barge, $2.81. At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 17 cents per bushel if received by truck; or (2) 15 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 or better, ex rail or barge, $1.06; Minneapolis, No. 3 or better, ex rail or barge, $1.01.
Oats, bulk; 4,400,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 24 cents per bushel if received by truck; or (2) 20 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.62.
Barley, bulk; 300,000 bushels	

[1] These same lots also are available at export sales prices announced today.

FEBRUARY 1953 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Corn, bulk; 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate for No. 3 yellow plus: (1) 22 cents per bushel if received by truck; or (2) 18 cents per busbel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Cbicago, No. 3 yellow, $1.96; St. Louis, No. 3 yellow, $1.98; Minneapolis, No. 3 yellow, $1.87; Omaba, No. 3 yellow, $1.89; Kansas City, No. 3 yellow, $1.94. For other classes, grades, and quality, market differentials will apply.
Grain sorghums, bulk; 87,000 hundredweight.	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 44 cents per hundredweight if received by truck, or (2) 39 cents per hundredweigbt if received by rail or barge. Examples of minimum prices per hundredweight: Kansas City, No. 2 grain sorghums, ex rail or barge, $3.23; ex truck $3.28.
Flaxseed, bulk; 137,000 bushels	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon, but not less than the following: $4.45 per bushel, No. 1 Grade, basis in store, Minneapolis. For other markets and grades, adjust by market differentials.
Cottonseed meal, bagged	Information covering prices, quantities, and locations can be secured at the New Orleans, Dallas, or San Francisco PMA Commodity offices.

Ceiling Price Certification. Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price be could pay any of bis usual suppliers for the commodity in the quantity and at tbe place and season tbat delivery is made.

[1] These same lots also are available at export sales prices announced today.

FEBRUARY 1953 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow; 275,000,000 pounds.[1]	Market price f. o. b. tank cars at points of storage locations.
Linseed oil, raw; 185,900,000 pounds.[1]	14 cents per pound, f. o. b. tank cars at points of storage location. (See note on Ceiling Price Certification at tbe end of this price list.)
Dry edible beans	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at location sbown below.
Baby lima, bagged, 1950 crop; 365,000 huudredweight.[1]	$4.25 per 100 pounds, San Francisco Bay area.
Pea, bagged; 400,000 bundredweigbt.[1]	No. 1 Grade, 1951 crop: $8 per 100 pounds, f. a. s. Baltimore, Philadelpbia, and Norfolk. Discount for grades: No. 2, 25 cents less than No. 1; No. 3, 50 cents less tban No. 1.
Peas, bagged; 171,000 bundredweigbt.	Sample Grade, 1951 crop: $6 per 100 pounds, f. a. s. Baltimore, Philadelphia, and Norfolk.
Austrian wiuter peas, bagged; not certified for purity or germination; 1,607,000 hundredweight.[1]	The domestic market price for feed but not less tban $3.50 per 100 pounds f. a. s. Portland, Oreg., or Seattle, Wasb.
Wbeat, bulk; 25,000,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place witbin 15 days unless otherwise agreed upon.
Oats, bulk; 4,400,000 husbels [1]	Do.
Barley, bulk; 300,000 bushels [1]	Do.
Corn, bulk; 50,000,000 busbels [1]	Do.

Ceiling Price Certification. Any purebaser from CCC of raw linseed oil, must be able and will be required to certify that tbe price paid to CCC does not exceed the higbest ceiling price he could pay any of his usual supplies for the commodity in the quantity and at the place and season that delivery is made.

[1] These same lots also are available at domestic sales prices announced today.

(Pub. Law 439, 81st Cong.)

Issued: February 16, 1953.

[SEAL] JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1660; Filed, Feb. 18, 1953; 8:51 a. m.]

Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the counties "Garfield" and "Thayer"; under South Dakota, in alphabetical order, add the country "Day."

In Schedule B, under Nebraska, delete the counties "Garfield" and "Thayer"; under South Dakota, delete the county "Day."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 17th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1688; Filed, Feb. 17, 1953; 5:05 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27800]

CEMENT FROM POINTS IN THE SOUTH AND MIDWEST TO FLORIDA

APPLICATION FOR RELIEF

FEBRUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1244.

Commodities involved: Cement, carloads.

From: Points in Florida, Georgia, Louisiana, Missouri, Ohio, Tennessee, Virginia, and West Virginia.

To: Bell, Dowling Park, Green Cove Springs, and Yukon, Fla., and points grouped therewith.

Grounds for relief: Rail competition, circuity, to meet intrastate rates, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1647; Filed, Feb. 18, 1953; 8:48 a. m.]

[4th Sec. Application 27801]

MERCHANDISE FROM NEW YORK, N. Y., TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

FEBRUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-967.

Commodities involved: All commodities, in mixed carloads.

From: New York, N. Y.

To: Montgomery, Ala.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: Agent Boin's tariff I. C. C. No. A-967, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed

to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1648; Filed, Feb. 18, 1953; 8:48 a. m.]

[4th Sec. Application 27802]

MERCHANDISE FROM EASTERN POINTS TO DANIA, FLA., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

FEBRUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A–967.

Commodities involved: All commodities, in mixed carloads.

From: Points in trunk-line and New England territories to Dania, Fla., and from Philadelphia, Pa., to Memphis, Tenn.

Grounds for relief: Rail and motor competition and circuity.

Schedules filed containing proposed rates: Agent Boin's tariff I. C. C. No. A–967, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1649; Filed, Feb. 18, 1953; 8:48 a. m.]

[4th Sec. Application 27803]

LESS CARLOAD RATES BETWEEN POINTS ON THE MISSOURI-KANSAS-TEXAS SYSTEM LINES AND ILLINOIS CENTRAL RAILROAD

APPLICATION FOR RELIEF

FEBRUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri-Kansas-Texas Railroad Company and other carriers.

Commodities involved: Classes and commodities, less-carload, any quantity, and volume lots.

Between points on the Missouri-Kansas-Texas System lines and between points on the Illinois Central Railroad.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. No. 3977, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1650; Filed, Feb. 18, 1953; 8:48 a. m.]

[4th Sec. Application 27804]

LESS CARLOAD RATES BETWEEN POINTS ON THE MISSOURI-KANSAS-TEXAS SYSTEM LINES AND ILLINOIS CENTRAL RAILROAD

APPLICATION FOR RELIEF

FEBRUARY 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate of intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri-Kansas-Texas Railroad Company and other carriers.

Commodities involved: Classes and commodities, less-carload, any quantity, and volume lots.

Between points on the Missouri-Kansas-Texas System lines and between points on the Illinois Central Railroad.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. No. 3977, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1651; Filed, Feb. 18, 1953; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 23, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, No. I, and pursuant to Delegation of Authority 42, Amendment 1 (18 F. R. 269) this Amendment 1 to Redelegation of Authority 23 (17 F. R. 327) is hereby issued.

Redelegation of Authority 23 is amended as follows:

1. Section 1 is amended to read as follows:

1. *Authority to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f), and (g), 32 (b), 33 and 35 of CPR 25.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to act under sections 4 (d), 5 (c) (3), (12), 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of CPR 25. All actions in respect to sections 33 and 35 of CPR 25, taken by district offices previous to this authority, are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority 23 shall take effect as of February 2, 1953.

Date of issue: February 16, 1953.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

[F. R. Doc. 53–1661; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region III, Redelegation of Authority 11, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER CPR 25, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 42, Amendment 1, (18 F. R. 269), this amendment to Redelegation of Authority No. 11 is hereby issued.

Redelegation of Authority No. 11 is amended as follows:

1. Section 1 is amended to read as follows:

SECTION 1. *Authority to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33, and 35 of CPR 25.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under sections 4 (d), 5 (c) (3), 12, 21 (c), 22, 30 (f) and (g), 32 (b), 33 and 35 of CPR 25. All actions in respect to sections 33 and 35 of CPR 25, taken by field offices previous to this authority, are hereby confirmed and validated.

This amendment to Redelegation of Authority No. 11 shall take effect as of January 30, 1953.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1662; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region III, Redelegation of Authority 2, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26b OF CPR 15 AND 24b OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1 (18 F. R. 336), this amendment to Redelegation of Authority No. 2 Revision 1 is hereby issued.

Redelegation of Authority No. 2 Revision 1 is amended in the following respects:

1. A new item 2 is inserted after item 1 to read as follows:

2. *Authority to act under sec. 26b of CPR 15 and 24b of CPR 16.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This amendment to Redelegation of Authority No. 10 shall take effect as of January 26, 1953.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1663; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region VI, Redelegation of Authority 54]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40—ADJUSTMENT FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 88 (18 F. R. 613), this Redelegation of Authority No. 54 is hereby issued.

1. *Authority to act under section 5 of GOR 40.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto which has been referred under the provisions of section 5 by the National Office or the Regional Office.

This redelegation of authority shall take effect as of February 6, 1953.

A. H. ANDERSON,
Acting Regional Director, Region VI.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1664; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region VII, Redelegation of Authority 3, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26b OF CPR 15 AND 24b OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1 (18 F. R. 336), this amendment to Redelegation of Authority No. 3, Revision 1, is hereby issued.

Redelegation of Authority 3, Revision 1, is amended in the following respects:

1. A new item 2 is inserted after item 1 to read as follows:

2. *Authority to act under section 26b of CPR 15 and 24b of CPR 16.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization to take appropriate action under section 26b of CPR 15 and under section 24b of CPR 16.

This Amendment 1 to Redelegation of Authority No. 3, Revision 1, shall be effective February 16, 1953.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1665; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region X, Redelegation of Authority 55]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40—ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 88, (18 F. R. 613), this Region X Redelegation of Authority No. 55 is hereby issued.

1. *Authority to act under section 5 of GOR 40.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office or the Regional Office.

This redelegation of authority shall take effect as of February 6, 1953.

B. FRANK WHITE,
Director of Regional Office No. X.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1666; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region XI, Redelegation of Authority 61]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40—ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XI, pursuant to Delegation of Authority No. 88 (18 F. R. 613) this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of GOR 40.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and this Regional Office.

This Redelegation of Authority No. 61 shall take effect as of February 2, 1953.

DELBERT M. DRAPER,
Regional Director.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1667; Filed, Feb. 16, 1953; 4:57 p. m.]

[Region XI, Redelegation of Authority 2, Revision 1, Amdt. 1]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES; AUTHORITY TO ACT UNDER SECTION 26b OF CPR 15 AND 24b OF CPR 16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XI, pursuant to Delegation of Authority No. 8, Revision 1, Amendment 1, issued January 14, 1953 (18 F. R. 336), this Amendment 1 to Redelegation of Authority No. 2, Revision 1, is hereby issued:

Redelegation of Authority No. 2, Revision 1, is amended by adding a new Item 2 after Item 1 to read as follows:

2. *Authority to act under section 26b of CPR 15 and 24b of CPR 16.* Authority is hereby redelegated to the Directors of the District Offices in Region XI, Office of Price Stabilization, to take appropriate action under section 26b of CPR 15 and section 24b of CPR 16.

This Amendment 1 to Redelegation of Authority No. 2, Revision 1, shall take effect as of January 28, 1953.

DELBERT M. DRAPER,
Regional Director.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1668; Filed, Feb. 16, 1953; 4:57 p. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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OF THE UNITED STATES 1934

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Washington, Friday, February 20, 1953

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 6]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the Act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the Act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Maricopa County in Arizona;
The State of California;
Hartford, Litchfield, and New Haven Counties, in Connecticut;
Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;
Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, and Worcester Counties, in Massachusetts;
City of Baltimore, Md.;
De Soto County, in Mississippi;
Jefferson County, in Missouri;
Bergen, Burlington, Camden, Gloucester, Hudson, Middlesex, Morris, and Ocean Counties, in New Jersey.
Albany and New York Counties and Clarkstown Township, in Rockland County, in New York;
Council Grove, Mustang, Oklahoma, and Greeley Townships, in Oklahoma County, in Oklahoma;
Linn and Multnomah Counties, in Oregon;
Bucks, Delaware, Lehigh, and York Counties, in Pennsylvania;
Bristol and Providence Counties, in Rhode Island;
Pierce and Whatcom Counties, in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jersey;
Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Maricopa County, in Arizona;
Litchfield County, in Connecticut;
Androscoggin County, in Maine;
Plymouth and Worcester Counties, in Massachusetts;
De Soto County, in Mississippi;
Linn and Multnomah Counties, in Oregon;
Pierce and Whatcom Counties, in Washinton.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with the respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Jackson and St. Louis Counties, in Missouri;
Bexar County, in Texas.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the

(Continued on p. 997)

CONTENTS

Agriculture Department Page
See Animal Industry Bureau.

Alien Property, Office of
Notices:
Vesting orders, etc.:
A. W. Faber-Castell Bleistiftfabrik A. G. and Bleistiftfabrik vorm. Johann Faber A. G. 1024
Union Bank of Switzerland 1024

Animal Industry Bureau
Rules and regulations:
Hog cholera, swine plague, and other communicable swine diseases; changes in areas quarantined because of vesicular exanthema 995

Civil Aeronautics Board
Notices:
Klamath Falls-Medford service case; notice of oral argument 1014

Commerce Department
See Federal Maritime Board; Patents Office.

Defense Department
See Engineers Corps.
Secretary; delegation of authority with respect to application of Alabama Power Company for authority to increase electric rates, Alabama Public Service Commission Docket Nos. 13260 and 13263 (*see* General Services Administration).

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Engineers Corps
Rules and regulations:
Anchorage regulations; San Francisco Bay, Calif. 1011

Federal Communications Commission
Notices:
Hearings, etc.:
Azalea Broadcasting Co. 1014
Brush-Moore Newspapers, Inc., and Stark Broadcasting Corp. 1014
Head of the Lakes Broadcasting Co. and Red River Broadcasting Co., Inc. 1014
Western Union Telegraph Co. et al. 1014

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 17 ($0.35)

Previously announced: Titles 10–13 ($0.40); Title 18 ($0.35); Title 49: Parts 71 to 90 ($0.45)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Maritime Board Page
Notices:
Bloomfield Steamship Co., Inc., and Dixie Carriers, Inc.; notice of prehearing conference 1013

Federal Power Commission
Notices:
Hearings, etc.:
Big Horn Canyon Irrigation and Power Co 1022
City of Seattle 1022
Department of the Interior and Southwestern Power Administration 1021
Northeastern Gas Transmission Co 1022
Southern Natural Gas Co. (2 documents) 1022
Transcontinental Gas Pipe Line Corp. et al 1021

CONTENTS—Continued

Federal Trade Commission Page
Rules and regulations:
Cease and desist orders:
Juvenile Shoe Corp. of America 998
Mueller Hair Experts 997

General Services Administration
Notices:
Secretary of Defense; delegation of authority with respect to application of Alabama Power Company for authority to increase electric rates, Alabama Public Service Commission Docket Nos. 13260 and 13263 1023

Housing and Home Finance Agency
See Public Housing Administration.

Interior Department
See Mines Bureau; Reclamation Bureau.

Internal Revenue Bureau
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941:
Certain distributions of stock on reorganization 999
Miscellaneous amendments 1001
Surtax on corporations improperly accumulating surplus 998
Procedure; forms 1001

Interstate Commerce Commission
Notices:
Applications for relief:
Barn equipment from Harvard, Ill., to Albany, N. Y. 1025
Iron and steel articles from Middletown, Ohio, to New Orleans, La 1024
Motor fuel from Baton Rouge and North Baton Rouge, La., to Delaware, New Jersey, and Pennsylvania 1025
Sand from Vincennes, Ind., to Ernst and West Union, Ill 1025

Justice Department
See Alien Property, Office of.

Mines Bureau
Rules and regulations:
Explosives and related articles; tests for permissibility and suitability:
Blasting devices (Schedule 26) 1003
Explosives (including sheathed explosives) 1003

Patent Office
Rules and regulations:
License to file applications for patents in foreign countries 1011
Secrecy of certain inventions and licenses to file applications in foreign countries 1011

Price Stabilization, Office of
Notices:
Crown Zellerbach Corp.; clarification and addition of logging contractors 1021

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Notices—Continued
Directors of district offices; redelegations of authority to act:
Region II, New York, N. Y.; under:
CPR 7 1018
CPR 65 1019
CPR 117 1018
GOR 40 1018
Region III, Philadelphia, Pa.; under:
CPR 7 1019
GOR 40 1019
Region V, Atlanta, Ga.; under:
CPR 7 1019
CPR 117 1019
GOR 40 1019
Region X, Dallas, Tex.; under CPR 7 1019
Region XI, Denver, Colo.; under CPR 7 1020
Region XIII, Seattle, Wash.; under:
CPR 7 1020
GOR 40 1020
General Motors Corp.; approval of additions attached to letter to dealers, dated February 2, 1953 1021
Wembley, Inc.; ceiling prices at retail 1020
Rules and regulations:
Excepted and suspended services; exemption of previously suspended services and additional exemptions (GOR 14) 1010
Exemptions and suspensions of certain:
Consumer durable goods and related commodities; additional exemptions (GOR 5) 1006
Consumer soft goods; exemptions of animal hairs, certain fibers and other commodities (GOR 4) 1006
Food and restaurant commodities; dairy products and margarine (GOR 7) 1007
Fuel products; solid fuels and related commodities and services (GOR 12) 1009
Industrial materials and manufactured goods (GOR 9):
Certain ferrous and nonferrous metals and nonmetallic minerals, metal scrap, secondary nonferrous metal, iron ore, certain building materials and construction services, castings, forgings, and machinery and equipment rentals 1007
Certain non-metallic building materials, refractory products, and certain items of machinery and automotive equipment 1007

CONTENTS—Continued

Price Stabilization, Office of—Continued Page

Rules and regulations—Continued
- Exemptions and suspensions of certain—Continued
  - Lumber and wood products; general decontrol of lumber and wood products and allied commodities and services (GOR 34) ---- 1010
  - Rubber, chemical and drug commodity transactions; additional exemptions (GOR 3) ---- 1006

Public Housing Administration

Notices:
- Special delegations of authority; descriptions of agency and programs and final delegations of authority (2 documents) ---- 1023

Reclamation Bureau

Notices:
- Columbia Basin Project, Washington; public announcement of sale of full-time farm units ---- 1015

Rent Stabilization, Office of

Rules and regulations:
- Defense-rental areas; West Virginia:
  - Housing ---- 1011
  - Rooms ---- 1011

Securities and Exchange Commission

Notices:
- Niagara Mohawk Power Corp.; supplemental order concerning issuance of common stock at competitive bidding ---- 1023

Treasury Department

See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 9 Page

Chapter I:
- Part 76 ---- 995

Title 16

Chapter I:
- Part 3 (2 documents) ---- 997, 998

Title 26

Chapter I:
- Part 29 (3 documents) ---- 998, 999, 1001
- Part 601 ---- 1001

Title 30

Chapter I:
- Part 15 ---- 1003
- Part 17 ---- 1003

Title 32A

Chapter III (OPS):
- GCPR, SR 34 (see GOR 7) ---- 1007
- GCPR, SR 43 (see GOR 7) ---- 1007
- GCPR, SR 47 (see GOR 7) ---- 1007
- GCPR, SR 54 (see GOR 7) ---- 1007
- GCPR, SR 61 (see GOR 7) ---- 1007
- GCPR, SR 63 (see GOR 7) ---- 1007
- GCPR, SR 63, AMPR 1–AMPR 36 (see GOR 7) ---- 1007

CODIFICATION GUIDE—Con.

Title 32A—Continued Page

Chapter III (OPS)—Continued
- GCPR, SR 65 (see GOR 7) ---- 1007
- GCPR, SR 79 (see GOR 7) ---- 1007
- GOR 3 ---- 1006
- GOR 4 ---- 1006
- GOR 5 ---- 1006
- GOR 7 ---- 1007
- GOR 9 (2 documents) ---- 1007
- GOR 12 ---- 1009
- GOR 14 ---- 1010
- GOR 34 ---- 1010

Chapter XXI (ORS):
- RR 1 ---- 1011
- RR 2 ---- 1011

Title 33

Chapter II:
- Part 202 ---- 1011

Title 37

Chapter I:
- Part 3 ---- 1011
- Part 5 ---- 1011

spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 3, 33 Stat. 1264, 1265, as amended; 21 U. S. C. 117, 120, 123, 125)

Done at Washington, D. C., this 16th day of February, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1687; Filed, Feb. 19, 1953; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5977]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MUELLER HAIR EXPERTS

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections: Personnel or staff: Qualifications and abilities;* § 3.20 *Comparative data or merits;* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale or sale of treatments of the hair and scalp in which various specified cosmetic and other preparations are used; or in connection with the sale, offering for sale or distribution of various specified cosmetic and other preparations for use in the treatment of conditions of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, (a) that the use of said preparations by purchasers in their homes, or that treatments of the hair or scalp by respondent or his operators in which the various cosmetic and other preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, will (1) have any effect in preventing or overcoming baldness; (2) cause hair to grow thicker in spots where it is thin; (3) cause "fuzz" to be replaced by normal hair; (4) cause the hair growing functions of the scalp to be rejuvenated; (5) kill bacteria beneath the scalp; (6) cause the scalp to be energized to grow new hair; (7) cause the permanent elimination of dandruff, itching, dryness or oiliness of the scalp; or (8) cure all scalp disorders, keep the hair healthy or enable an individual to maintain a thick head of hair; (b) that respondent's preparations are dissimilar to preparations used by competitors; and, (c) that respondent's preparations are the result of discoveries made during the last war, or discoveries of recent years; or disseminating, etc., any advertisement, by any means, for the purpose of inducing, or which is likely to induce, etc., the purchase of said preparations in commerce, which advertisement represents, directly or by implication, that respondent or any of his employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists, or hair scientists, or that respondent has, or has had, experts in chemistry in his employ; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sidney J. Mueller trading as Mueller Hair Experts, Houston, Texas, Docket 5977, December 2, 1952]

In the Matter of Sidney J. Mueller Trading as Mueller Hair Experts

This proceeding was instituted by complaint which charged respondent with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 3, 1952, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That the respondent Sidney J. Mueller, an individual trading as Mueller Hair Experts or under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of treatments of the hair and scalp in which the various cosmetic and other preparations, as set out in the findings herein, are used; or in connection with the sale, offering for sale or distribution of the various cosmetic and other preparations as set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or of any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

I. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparation by purchasers in their homes, or that treatments of the hair and scalp by respondent or his operators in which the various cosmetic and other preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, will:

(1) Have any effect in preventing or overcoming baldness,

(2) Cause hair to grow thicker in spots where it is thin,

(3) Cause "fuzz" to be replaced by normal hair,

(4) Cause the hair growing functions of the scalp to be rejuvenated,

(5) Kill bacteria beneath the scalp,

(6) Cause the scalp to be energized to grow new hair,

(7) Cause the permanent elimination of dandruff, itching, dryness or oiliness of the scalp,

(8) Cure all scalp disorders, keep the hair healthy or enable an individual to maintain a thick head of hair;

(b) That respondent's preparations are dissimilar to preparations used by competitors;

(c) That respondent's preparations are the result of discoveries made during the last war, or discoveries of recent years.

II. Disseminating or causing to be disseminated by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contained any of the representations prohibited in subparagraphs (a) through (c) of Paragraph I hereof or which represents, directly or by implication, that respondent or any of his employees who have not had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp disorders affecting the hair are trichologists, or hair scientists, or that respondent has, or has had, experts in chemistry in his employ.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: December 3, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-1694; Filed, Feb. 19, 1953; 8:49 a. m.]

[Docket 5976]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JUVENILE SHOE CORP. OF AMERICA

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1290 *Qualities or properties.* In connection with the offering for sale, sale or distribution in commerce, of respondent's shoes designated "Lazy Bones" or any other shoe of similar construction, irrespective of the designation applied thereto, representing, (1) that the wearing of said shoes will massage the feet, or the arches or muscles thereof; (2) that the wearing of said shoes will stimulate or exercise the muscles or arches of the feet; or, (3) that the wearing of said shoes will help children's feet to develop healthily or will help to keep them healthy; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Juvenile Shoe Corporation of America, St. Louis, Mo., Docket 5976, November 13, 1952]

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondent's answer thereto, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel in support of the complaint and counsel for the respondent, oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 13, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, The Juvenile Shoe Corporation of America, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's shoes designated "Lazy Bones" or any other shoe of similar construction, irrespective of the designation applied thereto, do forthwith cease and desist from representing, directly or by implication:

(1) That the wearing of said shoes will massage the feet, or the arches or muscles thereof;

(2) That the wearing of said shoes will stimulate or exercise the muscles or arches of the feet;

(3) That the wearing of said shoes will help children's feet to develop healthily or will help to keep them healthy.

By "Decision of the Commission and order to file report of compliance," Docket 5976, November 13, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 13, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr., *Acting Secretary.*

[F. R. Doc. 53-1695; Filed, Feb. 19, 1953; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5989; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS

On December 4, 1952, notice of proposed rule making conforming Regulations 111 (26 CFR Part 29) to section 315 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 10971).

[1] Filed as part of the original document.

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111, set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.102–1 the following:

SEC. 315. SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Long-term capital gains.* Section 102 (d) (1) (relating to definition of section 102 net income) is hereby amended by adding at the end thereof the following new subparagraph:

(D) *Long-term capital gains.* The excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes imposed by this chapter attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between (i) the taxes imposed by this chapter (except the tax imposed by this section) for such year and (ii) such taxes computed for such year without including such excess in net income.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.102–4, as amended by Treasury Decision 5796, approved July 19, 1950, is further amended as follows:

(A) By changing the period at the end of the second sentence to a semicolon and by adding at the end thereof the following: "(e) for taxable years beginning after December 31, 1950, the amount remaining after deducting from the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (computed without regard to any capital loss carry-over) the taxes attributable to such excess. For purposes of this paragraph, the taxes attributable to such excess shall be the amount remaining after deducting from the taxes imposed by chapter 1 for such year (determined without regard to the taxes imposed by section 102) the taxes similarly imposed and determined for such year without including the excess of net long-term capital gain over the net short-term capital loss for such year in net income. For example, if the taxpayer pays the alternative tax as computed under section 117 (c) the tax attributable to the excess of the net long-term capital gain over the net short-term capital loss shall be the amount computed under section 117 (c) (1) (B).

(B) By changing the period at the end of the fifth sentence to a comma and by adding at the end thereof the following: "and, in addition, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section."

(C) By striking the period at the end of the sixth sentence and adding at the end thereof the following: "(including, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section)."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: February 16, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1715; Filed, Feb. 19, 1953; 8:52 a. m.]

[T. D. 5990; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION

On November 22, 1952, notice of proposed rule making with respect to regulations under sections 112 (b) (11) and 113 (a) (23) of the Internal Revenue Code, as added by section 317 of the Revenue Act of 1951, approved October 20, 1951, relating to certain distributions of stock on reorganization, was published in the FEDERAL REGISTER (17 F. R. 10647). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29), set forth below are hereby adopted.

PARAGRAPH 1. Section 29.112 (a)–1, as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by adding at the end of paragraph (f) thereof the following sentence: "See section 112 (b) (11), with respect to nonrecognition of gain upon the distribution of stock (other than preferred) in a corporation a party to a reorganization under certain circumstances without the surrender of stock."

PAR. 2. There is inserted immediately following § 29.112 (b) (10)–2 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Distributions not in liquidation.* Section 112 (b) (relating to nonrecognition of gain or loss in the case of certain exchanges) is hereby amended by adding at the end thereof the following new paragraph:

(11) *Distribution of stock not in liquidation.* If there is distributed, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to the distributee from the receipt of such stock shall be recognized unless it appears that (A) any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or (B) the corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date.

§ 29.112 (b) (11)–1 *Certain distributions of stock on reorganization.* (a) If there is distributed after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to such shareholder from the receipt of such stock shall be recognized, unless it appears that:

(1) Any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or

(2) The corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

(b) For section 112 (b) (11) to be applicable, there must be a reorganization as defined in section 112 (g) (1) and a distribution to shareholders in pursuance of the plan of reorganization. Accordingly, for the purpose of section 112 (b) (11), there must be compliance with the rules prescribed in §§ 29.112 (a)–1, 29.112 (g)–1, and 29.112 (g)–2, relating to reorganizations and to exchanges and distributions. The distributions under section 112 (b) (11) must be of stock in a corporation which is a party to the reorganization, which stock was received in the reorganization.

(c) Section 112 (b) (11) involves cases in which one corporation, in a reorganization as defined in section 112 (g) (1) (D), transfers a part of its assets to another corporation in exchange for stock, and, in pursuance of the plan of reorganization, distributes or causes to be distributed on its behalf to its shareholders, without the surrender by them of stock in the transferor corporation, stock (other than preferred stock) received in the reorganization. For limitations specially applicable under section 112 (b) (11), see § 29.112 (b) (11)–2. The distribution of preferred stock or other property received in the reorganization, or of other property of the transferor corporation, is not within the provisions of section 112 (b) (11).

§ 29.112 (b) (11)–2 *Limitations upon the application of section 112 (b) (11).* (a) The benefits of section 112 (b) (11) are limited to a reorganization in which all of the corporations, parties to the reorganization, are intended to continue the active conduct of a trade or business after the reorganization, and in which the corporation whose stock is distributed is not used principally as a device for the distribution of earnings and profits to shareholders of any corporation a party to the reorganization. The underlying assumption of section 112 (b) (11) and of the rules applicable to reorganizations is that the reorganization and distribution of stock must result in a continuation of the old business activities and in a continuation of the interests of the shareholders therein.

(b) A corporation shall be considered for the purpose of section 112 (b) (11) to be engaged in the active conduct of a

trade or business after the reorganization only if it directly conducts such business or indirectly conducts the business through ownership of stock in another corporation actively conducting the business, which other corporation is a subsidiary (whether or not majority-owned) of the corporation, a party to the reorganization. For the purpose of the preceding sentence, a corporation is considered a subsidiary of another corporation if a majority of its voting stock is owned by the other corporation or if a part of its stock (whether or not a majority of its voting stock) is owned by the other corporation under such circumstances that the policies of the first corporation are directed by the second corporation. The assets, if any, of a corporation used directly in the conduct of a business and stock, if any, held by a corporation in a subsidiary actively conducting a business must constitute a substantial part of all of the assets of the corporation.

(c) Ordinarily, the business reasons (as distinguished from any desire to make a distribution of earnings and profits to the shareholders) which support the reorganization and the distribution of the stock will require the distribution of all of the stock received by the transferor corporation in the reorganization.

Example 1. Corporation A owns and operates several mines and in addition owns 45 percent of the stock of Corporation X, 40 percent of the stock of Corporation Y, and 35 percent of the stock of Corporation Z. Corporation A is the largest single shareholder in each of these corporations, and directs their policies in such manner that these corporations are operated as subsidiaries of Corporation A. Corporations X, Y, and Z are each directly engaged in the active conduct of a trade or business. Corporation A transfers all its stock in Corporations X, Y, and Z to newly organized Corporation B in exchange for all of Corporation B's stock, which stock is distributed pro rata among the shareholders of Corporation A. Corporation B then directs the policies of these corporations in such manner that they are operated as subsidiaries of Corporation B. There are no other relevant facts. The distribution of the stock (other than preferred stock) in Corporation B to the shareholders of Corporation A is within the terms of section 112 (b) (11).

Example 2. Corporation C owns and operates a department store. It decides to provide parking facilities for the customers of the store. In order to provide such facilities, Corporation C enters into a contract to purchase land adjacent to its premises. The purchase price of the land is $100,000 and it is estimated that the cost of developing the parking lot will be $50,000. In order to separate the operations of the parking lot from those of the department store, Corporation C transfers to a newly formed Corporation D $90,000 in cash and $90,000 in bonds, together with the contract for the purchase of the land, in exchange for all the stock of Corporation D, which stock is distributed pro rata among the shareholders of Corporation C. The purchase of the land is completed on the date fixed in the contract, and the parking facilities are developed and operated by Corporation D. There are no other relevant facts. The transfer of the cash, bonds, and contract to Corporation D in exchange for its stock is a reorganization under section 112 (g) (1) and the distribution of stock (other than preferred stock) in Corporation D to the shareholders of Corporation C is within the terms of section 112 (b) (11).

Example 3. Corporation E is engaged in a manufacturing business. The assets of Corporation E include $300,000 in cash and $600,000 in bonds in addition to $450,000 in other assets used in the manufacturing business. Corporation E forms a new corporation, F, to which Corporation E transfers $200,000 in cash and the $600,000 in bonds in exchange for all the stock of Corporation F, which stock is distributed among the shareholders of Corporation E pro rata. At the time of the transaction there is no clear and definite plan for the acquisition by Corporation F of specific business assets. There are no other relevant facts. The transfer of cash and bonds to Corporation F is not a reorganization under section 112 (g) (1) of the Code; therefore, the distribution of the stock of Corporation F is taxable as a dividend to the extent provided in section 115 (a).

PAR. 3. Section 29.112 (g)–1, as amended by Treasury Decision 5402, is further amended by inserting immediately preceding the last sentence of paragraph (b) thereof the following: "The nonrecognition of gain or loss is also prescribed with respect to the distribution occurring after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, of stock (other than preferred stock) in another corporation which is a party to the reorganization, where such shareholder does not surrender any stock. (See section 112 (b) (11) and the regulations thereunder.)"

PAR. 4. Section 29.112 (g)–2 is amended by striking from paragraph (g) (which paragraph begins with the words "The term 'plan of reorganization'") the word "exchanges" wherever it appears and inserting in each instance in lieu thereof the words "exchanges or distributions".

PAR 5. Section 29.112 (g)–5 is amended by adding at the end thereof the following sentence: "See § 29.112 (b) (11)–1 with respect to the distribution occurring after October 20, 1951, to a shareholder, in pursuance of a plan of reorganization of stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock."

PAR. 6. Section 29.113 (a)–2, as amended by Treasury Decision 5402, is further amended by striking from the second sentence thereof the expression "113 (a) (22)" and by inserting in lieu thereof the expression "113 (a) (23)".

PAR. 7. There is inserted immediately after § 29.113 (a) (22)–1 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Basis of stock.* Section 113 (a) (relating to unadjusted basis for determining gain or loss) is hereby amended by adding at the end thereof the following new paragraph:

(23) *Tax-free distributions.* If the property consists of stock distributed after the date of the enactment of the Revenue Act of 1951 to a taxpayer in connection with a transaction described in section 112 (b) (11) (hereinafter in this paragraph called "new stock"), or consists of stock in respect of which such distribution was made (hereinafter in this paragraph called "old stock"), then the basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations prescribed by the Secretary.

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date.

§ 29.113 (a) (23)–1 *Basis of stock on certain distributions on reorganization.* The distribution, in pursuance of a plan of reorganization, to a shareholder of a corporation (a party to the reorganization) of stock in another corporation (also a party to the reorganization) may be within the provisions of section 112 (g) of the Revenue Act of 1932, or the corresponding provisions of prior revenue laws, if made before January 1, 1934, or may be within the provisions of section 112 (b) (11) if made after October 20, 1951, and if the distribution consists of stock other than preferred stock. Section 112 (g) of the Revenue Act of 1932 and section 112 (b) (11) provide that no gain shall be recognized to the shareholder in the case of such distribution. The basis of the stock in respect of which the distribution was made and of the stock distributed to the shareholder is ascertained in accordance with the principles set forth in § 29.113 (a) (12)–1 in the case of such a distribution made before January 1, 1934. The same principles of § 29.113 (a) (12)–1 shall apply to the determination of the basis of such stock in the case of a distribution after October 20, 1951, to which section 112 (b) (11) is applicable.

PAR. 8. Section 29.115–11 as amended by Treasury Decision 5402, is further amended by striking subparagraph (1) of paragraph (c) thereof and inserting in lieu thereof the following:

(1) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, to its shareholders:

(i) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year beginning before January 1, 1934, without the surrender by the distributees of stock or securities in such corporation (see section 112 (g) of the Revenue Act of 1932); or

(ii) Of stock (other than preferred stock) in another corporation which is a party to the reorganization without the surrender by the distributees of stock in the distributing corporation if the distribution occurs after October 20, 1951 (see section 112 (b) (11)); or

(iii) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year (beginning before January 1, 1939, or on or after such date) in exchange for its stock or securities (see section 112 (b) (3))

if no gain to the distributees from the receipt of such stock or securities was recognized by law.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: February 17, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1716; Filed, Feb. 19, 1953; 8:52 a. m.]

[T. D. 5988; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 601—PROCEDURE

MISCELLANEOUS AMENDMENTS

On October 1, 1952, notice of proposed rule making to conform Regulations 111 to Part II of Title III of the Revenue Act of 1950, approved September 23, 1950, and to Public Law 35, 82d Congress, approved May 17, 1951, to provide for a technical amendment made to 26 CFR 601.17 (a), respecting forms required of trusts claiming deductions under section 162 (a) of the Internal Revenue Code, was published in the FEDERAL REGISTER (17 F. R. 8704). No objection to the rules proposed having been received, the amendments of Regulations 111 (26 CFR Part 29) and the technical amendment made to 26 CFR 601.17 (a) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.153-1, as added by Treasury Decision 5838, approved April 17, 1951, the following:

PUBLIC LAW 35, 82D CONGRESS, APPROVED MAY 17, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to taxable years beginning after December 31, 1949, section 153 (b) of the Internal Revenue Code (relating to special returns required from trusts claiming charitable, etc., deductions under section 162 (a) of such code) is hereby amended by adding at the end thereof the following:

This subsection shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries.

PAR. 2. Section 29.153-2, as added by Treasury Decision 5838, is hereby amended as follows:

(A) By changing the headnote and the first sentence thereof to read as follows:

§ 29.153-2 *Information required of certain trusts claiming charitable or other deductions under section 162 (a)*—(a) *In general.* For taxable years beginning after December 31, 1949, every trust (other than a trust described in paragraph (b) of this section) claiming a charitable or other deduction under section 162 (a) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041-A. * * *

(B) By adding at the end thereof the following:

(b) *Exception.* The provisions of paragraph (a) of this section with respect to the filing of information returns shall not be applicable to the taxable year of a trust if the trustee is bound by the instrument creating the trust to distribute each year to the beneficiaries all the net income of the trust (such net income being determined under the applicable principles of the law of trusts).

PAR. 3. There is inserted immediately preceding § 29.162-1 the following:

SEC. 321. CHARITABLE, ETC., DEDUCTIONS OF TRUSTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 162.* Section 162 is hereby amended by adding at the end thereof the following:

(g) *Rules for application of subsection (a) in the case of trusts*—(1) *Trade or business income.* In computing the deduction allowable under subsection (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwise allowable under subsection (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to its Supplement U business income for such year. As used in this paragraph the term "Supplement U business income" means an amount equal to the amount which, if such trusts were exempt under section 101 (6) from taxation, would be computed as its unrelated business net income under section 422 (relating to income derived from certain business activities and from certain leases).

(2) *Operations of trusts*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 23 (o) (2), 23 (q) (2), 162 (a), 505 (a) (2), * * * shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

(4) *Accumulated income.* If the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in subsection (a) during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(A) are unreasonable in amount or duration in order to carry out such purposes of the trust; or

(B) are used to a substantial degree for purposes other than those described in subsection (a); or

(C) are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries,

the amount otherwise allowable under subsection (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)).

(b) *Technical amendment.* Section 162 (a) is hereby amended by striking out "There

shall be allowed as a deduction" and inserting in lieu thereof "Subject to the provisions of subsection (g), there shall be allowed as a deduction."

SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [sections 321 and 322 of the Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 4. Section 29.162–1, as amended by Treasury Decision 5962, approved December 16, 1952, is further amended as follows:

(A) By adding immediately after the fifth sentence in paragraph (a) thereof the following: "For limitations on the deduction otherwise allowable under section 162 (a), see section 3813. See also this paragraph and §§ 29.162–3 and 29.162–4."

(B) By striking therefrom the last sentence of paragraph (a) (which sentence begins "See § 29.153–2") and inserting in lieu thereof the following: "In the case of a trust, the deduction otherwise allowable under section 162 (a) for any taxable year beginning after December 31, 1950, is subject to the limitations of section 162 (g). See §§ 29.162–3 and 29.162–4. See § 29.153–2 relating to the annual information return that must be filed for any taxable year beginning after December 31, 1949, by certain trusts claiming charitable, etc., deductions under section 162 (a) for the taxable year."

PAR. 5. There is added immediately after § 29.162–2 the following:

§ 29.162–3 *Rules for the application of section 162 (a) in the case of trusts—*(a) *Limitation on charitable, etc., deduction of trusts with trade or business income.* (1) In computing the deduction allowable under section 162 (a) to a trust for any taxable year beginning after December 31, 1950, no amount otherwise allowable under section 162 (a) as a deduction shall be allowed as a deduction with respect to income of the taxable year which is allocable to the trust's Supplement U business income for such year. For the purpose of this section, the term "Supplement U business income" means an amount equal to the amount which, if such trust were exempt from taxation under section 101 (6), would be computed as its unrelated business net income under section 422 and the regulations thereunder. For the purpose of such computation under section 422, the term "unrelated trade or business" includes any trade or business regularly carried on by such a trust, or by a partnership of which it is a member.

(2) Unless the facts clearly indicate the contrary, the deduction otherwise allowable under section 162 (a) is allocable to the Supplement U business income on the basis of the ratio which the Supplement U business income bears to the net income of the trust computed without any deduction under section 162.

Example (1). The X trust has net income of $50,000 computed without any deduction under section 162. There is included in this amount a net profit of $30,000 from the operation of a trade or business. The trustee is required to pay one-half of the net income to A, an individual, and the balance of the net income to the Y charity, an organization described in section 23 (o) (2). The trustee pays each beneficiary $25,000. Under these facts, the Supplement U business income of the trust (computed after the deduction allowable under section 422 (a) (9) for charitable contributions) is $25,500. The deduction otherwise allowable under section 162 (a) is $25,000, the amount paid to the Y charity. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is $12,750, that is, an amount which bears the same ratio to $25,000 as $25,500 bears to $50,000.

Example (2). Assume the same facts as in example (1), above, except that the trustee has discretion as to the portion of the net income to be paid to each beneficiary, and the trustee pays $40,000 to A and $10,000 to the Y charity. The deduction otherwise allowable under section 162 (a) is $10,000. The portion thereof allocable to the Supplement U business income and therefore disallowed as a deduction is $5,100, that is, an amount which bears the same ratio to $10,000 as $25,500 bears to $50,000.

Example (3). Assume the same facts as in example (1), above, except that the terms of the trust instrument require the trustee to pay to the Y charity the net income, if any, derived from the trade or business, and to pay to A all the net income derived from other sources. The trustee pays $30,000 to the Y charity and $20,000 to A. The deduction otherwise allowable under section 162 (a) is $30,000. Under the facts in this case, $25,500 of the amount paid to the Y charity is allocable to the Supplement U business income and is therefore disallowed as a deduction.

(b) *Limitation on charitable, etc., deduction of trusts engaged in prohibited transactions.* (1) In the case of a trust which has engaged in any prohibited transaction (as described in section 162 (g) (2) (B)) after July 1, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall not exceed 15 percent of the net income of such trust (computed without the benefit of section 162 (a)) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered mail to the last known address of the fiduciary. However, notwithstanding the requirement of notification by the Commissioner, such limitation (on the amount otherwise allowable under section 162 (a) as a deduction) shall apply with respect to any taxable year beginning after December 31, 1950, if such trust during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting such income or corpus from the purposes described in section 162 (a) and such transaction involved a substantial part of such income or corpus. See examples under §§ 29.162–4 and 29.3813–1.

(2) A trust whose deduction under section 162 (a) has been limited by reason of the provisions of section 162 (g) (2) (A) may file, in any taxable year following the taxable year in which notice of limitation of deduction was issued, a claim for allowance of unlimited deduction under section 162 (a). This claim shall be filed with the director for the district in which the fiduciary resides or has his principal place of business. The claim must contain or have attached to it an affidavit by the fiduciary that the trust will not knowingly again engage in a prohibited transaction.

(3) If the Commissioner is satisfied that the trust will not knowingly again engage in a prohibited transaction, he shall so notify the trust in writing. In such case the trust will be allowed unlimited deduction under section 162 (a) (subject to the provisions of section 162 (g)) with respect to taxable years subsequent to the taxable year in which such claim is filed. Section 162 (g) (2) (C) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

(c) *Limitation on charitable, etc., deduction of trusts accumulating income.* (1) For any taxable year beginning after December 31, 1950, the amount otherwise allowable under section 162 (a) as a deduction shall be limited to the amount actually paid out during the taxable year and shall not exceed 15 percent of the net income of the trust (computed without the benefit of section 162 (a)), if the amounts permanently set aside, or to be used exclusively, for the charitable and other purposes described in section 162 (a) during the taxable year or any prior taxable year (including taxable years beginning prior to January 1, 1951) and not actually paid out by the end of the taxable year are unreasonable. Amounts accumulated out of income for purposes described in section 162 (a) become unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the charitable or other purpose described in section 162 (a) for which such amounts were set aside. Furthermore, such limitation on the deduction otherwise allowable under section 162 (a) shall apply if amounts accumulated out of income for purposes described in section 162 (a) are used to a substantial degree for purposes other than those described in section 162 (a), or if such amounts are invested in such a manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries.

(2) For the purpose of section 162 (g) (4), the term "income" means gains, profits, and income determined under the principles applicable in determining the earnings or profits of a corporation. The amount accumulated out of income during the taxable year or any prior taxable year shall be determined under the principles applicable in determining the accumulated earnings or profits of a corporation. In determining the reasonableness of an accumulation out of income, there will be disregarded the following: (i) The accumulation of gain upon the sale or exchange of a donated asset to the extent that such gain rep-

resents the excess of the fair market value of such asset when acquired by the trust over its substituted basis in the hands of the organization; (ii) the accumulation of gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, where the proceeds of such sale or exchange are within a reasonable time reinvested in property acquired and held in good faith for the production of investment income.

(3) Whether the conditions specified in subparagraphs (A), (B) and (C) of section 162 (g) (4) are present in any case must be determined from all the facts. The conditions specified in section 162 (g) (4) (A), (B) and (C) may result from the use of only one trust or of a chain of two or more organizations.

(4) A trust whose deduction under section 162 (a) has been limited by reason of the provisions of section 162 (g) (4) may file a claim for allowance of unlimited deduction under section 162 (a). This claim shall be filed with the director for the district in which the fiduciary resides or has his principal place of business. The claim must contain or be accompanied by information or evidence showing that the circumstances that caused the limitation on deduction prescribed under section 162 (g) (4) no longer exist, and an affidavit by the fiduciary that the trust will not knowingly again violate the terms of such section. Section 162 (g) (4) contemplates that a trust whose charitable, etc., deduction has been limited as prescribed therein shall be subject to such limitation for at least one full taxable year.

(5) In the case of a trust the deduction under section 162 (a) of which has been limited solely by reason of the provisions of section 162 (g) (4), deductions otherwise allowable under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2), for gifts or contributions made to such a trust in trust for charitable, etc., purposes, shall not be disallowed.

§ 29.162–4 *Disallowance to donors of certain charitable, etc., deductions for gifts made in trust.* (a) No gift or contribution made on or after January 1, 1951, which would otherwise be allowable as a charitable or other deduction under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2), shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or contribution is made, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A).

(b) The prohibited transactions enumerated in section 162 (g) (2) (B) are in addition to and not in limitation of the restrictions contained in section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2). A deduction may not be allowed in view of the general provisions of those sections, even though the trust has not engaged in any of the prohibited transactions referred to in section 162 (g) (2) (B). Thus, if the donor or the fiduciary of the trust enters into a transaction with the trust, such transaction will be closely scrutinized to ascertain whether the contribution is in fact made for the stated exempt purposes.

(c) If a trust, which receives a gift or contribution for charitable, etc., purposes after December 31, 1950, is not entitled to the unlimited deduction under section 162 (a) because it engaged in a prohibited transaction with the purpose of diverting its income or corpus from the purposes described in section 162 (a), and such transaction involved a substantial part of such income or corpus, and if the taxable year of the trust during which such gift or contribution is made begins after December 31, 1950, and is the same as, or is prior to, the taxable year of the trust in which such transaction occurred, then a deduction by the donor with respect to the gift or contribution shall not be disallowed under the first paragraph of this section unless the donor (or any member of his family if the donor is an individual) is a party to such prohibited transaction. For the purpose of the preceding sentence, the members of an individual donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants. See § 29.3813–3 for disallowance of certain charitable, etc., deductions otherwise allowable under section 162 (a).

Example. Under the terms of an irrevocable trust established by A in 1949, the trustees were to pay one-half of the income of the trust to A's wife for life, and the trustees were given discretion either to accumulate or distribute the remaining one-half of the income to a specified charitable beneficiary. Upon the death of the wife, the entire corpus was to be paid to the named charity. The trust makes its income tax returns on the basis of the calendar year. For 1949, A takes a charitable deduction for the amount of the gift in trust to the charity. In 1952, 1953, 1954, and 1955, A makes further contributions to the trust and takes charitable deductions for such years under section 23 (o) (2). In 1953, 1954, and 1955, B (not a member of A's family) makes contributions to the trust for its designated charitable purpose and takes charitable deductions for such years. In 1953, the trust commences purposely to divert income and corpus which had been set aside for its charitable purpose and to turn such income and corpus over to A, the creator of the trust, and a substantial amount of such income and corpus is so diverted by the close of the taxable year 1954. For 1953 and subsequent taxable years, the deduction allowed the trust under section 162 (a) is limited by reason of the provisions of section 162 (g) (2) (A). Both A and B are disallowed any charitable deduction for their charitable contributions made during 1955 to the trust. Moreover, the charitable deduction taken by A for contributions to the trust in the years 1953 and 1954 would also be disallowed since A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1952 by A was for the purpose of the prohibited transaction, then the charitable deduction for the year 1952 shall also be disallowed with respect to A, since the prohibited transaction would then have commenced with the making of such contribution and the deduction allowed the trust under section 162 (a) would then be limited for 1952 by reason of the provisions of section 162 (g) (2) (A).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

PAR. 6. The Statement of Procedure contained in F. R. Doc. 46–15357, appearing at page 177A–22, Part II, Section 1, of the issue for September 11, 1946, as amended (26 CFR Part 601; 14 F. R. 2063; 15 F. R. 6888; 17 F. R. 6948), is hereby further amended by changing the part of § 601.17 *Forms*—(a) *Description* relating to Form 1041 to read as follows:

Form 1041–A. Fiduciary information return required of trusts claiming charitable or other deductions under section 162 (a), I. R. C. for taxable years beginning after December 31, 1949.

(R. S. 161; 50 U. S. C. 22)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 16, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1672; Filed, Feb. 19, 1953; 8:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES)

PART 17—BLASTING DEVICES (SCHEDULE 26)

MISCELLANEOUS AMENDMENTS

The Bureau of Mines is prepared to inspect and test blasting devices at its Explosives Testing Station, Bruceton, Pennsylvania, for the purpose of determining whether such devices may be approved for use in coal mines. This regulation relates to the requirements of performance of blasting devices which may be approved for use in coal mines, and the conditions under which tests will be made and approvals will be granted. Manufacturers of blasting devices have been consulted in the preparation of these rules and regulations and the existing need for adequate means for testing blasting devices for use in coal-mining operations is considered good cause for making them effective immediately. For these reasons, the notices and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237; 5 U. S. C. 1003) are impractical, unnecessary, and contrary to the public interest; and the rules and regulations shall become effective as of the date of their approval.

1. The following revisions and deletions are made in Chapter I, Subchapter C, Part 15, of this title:

a. The heading of Part 15 shall read "Explosives (Including Sheathed Explosives)".

b. In § 15.1 delete the following:

1. Paragraph (a) (2);

2. "and coal-mining blasting devices" from line 4 of paragraph (c);

3. "or device" from line 8 of paragraph (c);

4. Paragraph (k);

5. "or check tests of permissible blasting devices" from lines 5 and 6 of paragraph (l);

6. "or the devices" from line 8 of paragraph (l).

c. In § 15.2 delete paragraph (b).
d. In § 15.3 delete the following:
1. "or a blasting device" from lines 3 and 4;
2. "or blasting device" from line 9.
e. In § 15.4 delete paragraph (b).
f. In § 15.5 delete the following:
1. "and equipment for blasting devices" from the headnote;
2. "or blasting device" from line 3 of paragraph (a);
3. Paragraphs (d) and (e).
g. In § 15.6 delete the following:
1. "and blasting devices" from the headnote;
2. "and blasting devices" from lines 3 and 4 of paragraph (a) (1);
3. "or blasting devices" from line 3 of paragraph (a) (3);
4. "or blasting devices" from lines 16 and 17 of paragraph (d);
5. "or heater elements of blasting devices" from line 20 of paragraph (d).
h. In § 15.7 delete the following:
1. "or heater element (for blasting device)" from lines 4 and 5 of paragraph (b) (1);
2. Paragraph (b) (3) (iv);
3. The last sentence of paragraph (b) (4).
i. In § 15.8 delete the following:
1. "and blasting devices" from the headnote;
2. Paragraph (c).
j. In § 15.9 delete the following:
1. "and blasting devices" from the headnote;
2. "or blasting device" from line 5 of paragraph (a);
3. Paragraph (c).
k. In § 15.10 delete the following:
1. "plate or" from the headnote;
2. "or blasting device" from line 4 of paragraph (a);
3. "or blasting device" from line 8 of paragraph (b);
4. Paragraph (e).
l. Delete § 15.11 in its entirety.
m. In § 15.12 delete the following:
1. "and permissible blasting devices" from line 5;
2. "or blasting devices" from lines 9 and 10;
3. "or blasting device" from line 15.
n. In § 15.13 delete the following:
1. "and permissible blasting devices" from line 5;
2. "or blasting device (including heater element)" from lines 11 and 12.
o. In § 15.14 delete paragraph (c).
p. In § 15.15 delete the following:
1. "and blasting devices" from the headnote;
2. Paragraph (c).

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U. S. C. 5)

II. A new Part 17—Blasting Devices (Schedule 26), containing §§ 17.1 through 17.16 is added to Subchapter C of Chapter I of Title 30 of the Code of Federal Regulations. This part relates to the testing of blasting devices.

Sec.
17.1 Purpose.
17.2 Definitions.
17.3 Application for tests.
17.4 Fees.
17.5 Drawings and specifications.
17.6 Shipment of blasting device.
17.7 Conduct of tests.
17.8 Physical and chemical tests.
17.9 Requirements for approval.
17.10 Granting of approval.
17.11 Conditions under which blasting devices are to be used.
17.12 Change in design.
17.13 List of permissible blasting devices.
17.14 Field sampling.
17.15 Tolerances as applied to field samples.
17.16 Rescission of approval.

AUTHORITY: §§ 17.1 to 17.16 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U. S. C. 5.

§ 17.1 *Purpose.* The regulations in this part specify the safety standards and the requirements for approval by the Bureau of Mines of blasting devices (as defined in § 17.2) as permissible for use in coal mines. The operation of blasting devices when used to bring down coal in underground workings involves at least two possible hazards, namely:

(a) Ignition of methane-air and/or coal dust-air mixtures when the blasting device is operated.

(b) Emission of toxic gases such as carbon monoxide, oxides of nitrogen, and hydrogen sulfide when the blasting device is operated.

§ 17.2 *Definitions.* As used in this part, the following terms are defined:

(a) "Blasting device" is a unit used for breaking down coal involving a high-pressure discharge from a metal shell and does not include devices whose operations are wholly mechanical.

(b) "Approval" is a written official notification by the Bureau of Mines that upon investigation the blasting device has met satisfactorily the requirements of this part for use in coal mines.

(c) "Permissible" means conforming, when completely assembled, in every respect with the device approved by the Bureau of Mines for use in coal mines.

(d) "Approved marking" is an identifying mark indicating that the blasting device has been approved by the Bureau of Mines as a permissible blasting device.

§ 17.3 *Application for tests.* Before the Bureau of Mines will make any tests for the approval of a blasting device or for change in its design, the applicant must file a written request (no application form is provided by the Bureau) with the Regional Director, U. S. Bureau of Mines, Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, accompanied by a check, draft, or money order payable to the Treasurer of the United States to cover the fees prescribed in § 17.4.

§ 17.4 *Fees.* (a) The fee for complete tests leading to approval of a blasting device will be $1200. A deduction of $200 will be made from the total charge when no special electrical tests are required. If the applicant withdraws the device, or if the device fails to pass any of the tests prescribed in this part, the Bureau will charge the estimated cost, but not less than $500 for the tests actually performed, and will return to the applicant the balance of the fee submitted. The fee for tests made in connection with changes in design of a previously approved blasting device will be the estimated costs for the tests as determined by the Bureau, but not less than $500. In case changes submitted for approval do not require test work, the minimum charge shall be $100.

(b) The fees covering individual tests will be as follows:

(1) Chemical analysis	$100
(2) Physical examination	60
(3) Gallery tests, per shot	12
(4) Pendulum friction test, per sample	30
(5) Gaseous products	100
(6) Shell temperature test	80
(7) Electrical tests	200

§ 17.5 *Drawings and specifications.* A set of drawings, bill of materials, and specifications sufficient in number and detail to identify fully the parts of the blasting device must accompany the application. Drawings shall be numbered and dated to facilitate identification and reference in the records. The drawings and specifications for blasting devices shall include an assembly drawing, or drawings, clearly showing the over-all dimensions of the device, tolerances, and the character, size, and relative arrangement of all parts. The nature of the materials used in the assembly shall be specified on the drawings.

§ 17.6 *Shipment of blasting device sample.* Samples of the blasting device to be tested and all equipment necessary for charging and firing the device, shall be shipped prepaid to the Bureau only after the Bureau has furnished shipping instructions specifying the quantities and mode of shipment of the materials.

§ 17.7 *Conduct of tests.* Tests on blasting devices will be made at the Bureau's Explosives Testing Station at Bruceton, Pennsylvania, in the order of receipt of materials provided an application is on file. The following may witness the tests as observers only: A representative of the applicant, a representative of the mine workers, a representative of the mine operators, and such other persons as may be mutually agreed upon by the applicant and the Bureau. The conduct of the tests shall be entirely under the control of the Bureau.

§ 17.8 *Chemical and physical tests*—(a) *Chemical tests.* Chemical tests will be made on any components of the device which may be necessary to establish basic data.

(b) *Physical examination.* A physical examination will be made on the components of the device and all dimensions will be checked against the submitted drawings and specifications.

(c) *Gallery tests*—(1) *Test 1.* Each assembly is discharged into a mixture of natural gas and air containing 8.0±0.3 percent of methane and ethane at a temperature of 25°±5° C.

(2) *Test 4.* Each assembly is discharged into a mixture of natural gas and air containing 4.0±0.2 percent of methane and ethane and 8 pounds of standard bituminous coal dust placed on shelves inside the gallery.

(d) *Pendulum friction test.* This test will be made on components which present explosive hazards.

(e) *Gaseous products.* The nature and quantity of gaseous products emitted by the assembled device will be determined.

(f) *Shell temperature test.* The surface temperature of the device will be determined after operating the shell under conditions which will produce a "hot shell," i. e., a shell in which the hot gases are trapped and not released.

(g) *Additional tests.* Additional tests will be made if it is determined by the Bureau of Mines that they are necessary to establish the safety of the device.

§ 17.9 *Requirements for approval.* (a) Each assembly of a blasting device must pass without a single ignition, test 1 (35 trials) and test 4 (15 trials) in the gallery.

(b) *Pendulum friction test.* Components tested must not show in any trial with the hard fiber-faced shoe on the pendulum friction device a result more unfavorable than an almost indistinguishable local crackling.

(c) *Gaseous products of explosion.* The volume of poisonous gases produced by a blasting device must not exceed 140 liters per shell, as determined in the Crawshaw-Jones apparatus.

(d) *Shell temperature test.* The surface temperature of the device immediately after operating the device shall not exceed 350° C.

(e) *Tests on electrical parts.* If the blasting device is so designed that it cannot be discharged except with a specially designed electric power supply unit made expressly for that purpose, that power supply unit shall meet the applicable requirements of the Bureau of Mines in accordance with the provisions of Parts 18, 24, and 25 of Subchapter D of this chapter.

(f) *Misfires.* Approval will not be granted if the device fails to function or misfires in a manner which is deemed to be unsafe by the Bureau of Mines.

§ 17.10 *Granting of approval*—(a) *Notification of approval or disapproval.* After the Bureau of Mines has completed the investigation of a blasting device, a written notification of the approval or disapproval of the device will be sent to the applicant. Any specific conditions required for handling the device will be stated in the report.

(b) *Approved markings.* When deemed necessary by the Bureau of Mines, the manufacturer must place an approval plate, stamp, or marking on those parts designated in the approval report.

§ 17.11 *Conditions under which blasting devices are to be used.* The blasting device is permissible only when used under the following conditions:

(a) The device must conform to the specifications for the model as originally approved.

(b) The device must not be discharged in the presence of firedamp that can be detected with a permissible flame safety lamp.

(c) The unit used to fire the blasting device must be suitable for the purpose and meet the Bureau of Mines' requirements applicable to that particular type of unit. The unit also must be used in a manner prescribed by the Bureau.

(d) The device must not be fired until everyone is 100 feet or more from the shot and protected by adequate cover, having one and if possible two right angles between them and the blast.

(e) The coal to be blasted must be undercut or equivalently relieved; the length of the shot hole must be at least 6 inches less than the depth of the undercut or equivalent relief; and the shot hole shall be at least 6 inches away from the side of the undercut or equivalent relief.

(f) No blasting device shall be assembled or disassembled in a mine unless such permission is specifically stated in the original approval.

(g) A misfired device must not be opened in the mine and must be taken out of the mine for this purpose. The conditions which constitute a misfire will be specified in the original approval.

(h) Other conditions which will be set down by the Bureau as appropriate to the particular device tested.

§ 17.12 *Change in design.* Special authorization from the Bureau of Mines must be obtained before the manufacturer makes a change in the design or the components of an approved blasting device.

§ 17.13 *List of permissible blasting devices.* The Bureau will maintain a list of permissible blasting devices which will be published from time to time.

§ 17.14 *Field testing.* The Bureau will periodically collect and re-examine permissible blasting devices in order to determine whether they conform to the specifications for the device as originally approved. If the blasting device fails to pass any retests, the manufacturer will be notified and it will be his duty to withdraw the device and make all future devices in conformity with the basic specifications.

§ 17.15 *Tolerances as applied to field samples.* Tolerances which provide for reasonable limits of variation in the results of chemical analysis and physical tests of field samples are included in this section.

(a) *Chemical analysis of field samples*—(1) *Moisture.* The tolerances for moisture shall be in accordance with those shown in table 1 of this section:

TABLE 1—LIMIT OF VARIATION (PERCENTAGE OF TOTAL) FOR VARIOUS QUANTITIES OF MOISTURE

Quantity of moisture		Limit of variation of total
From—	To—	
Percent	*Percent*	*Percent* ±
0.0	0.1	1.5
.2	.5	1.6
.6	.9	1.7
1.0	1.3	1.8
1.4	1.7	1.9
1.8	2.1	2.0
2.2	2.5	2.1
2.6	2.9	2.2
3.0	3.3	2.3
3.4	3.7	2.4
3.8	4.1	2.5
4.2	4.5	2.6
4.6	and up	2.7

(2) *Other ingredients.* For ingredients in quantities of 60 percent or more the tolerance shall be ±3 percent of the total. For ingredients in quantities not exceeding 60 percent the tolerances shall be in accordance with those shown in table 2 of this section:

TABLE 2—LIMIT OF VARIATION (PERCENTAGE OF TOTAL) FOR VARIOUS QUANTITIES OF CONSTITUENTS

Quantity of constituents		Limit of variation of total
From—	To—	
Percent	*Percent*	*Percent* ±
0.0	1.4	1.0
1.5	2.4	1.1
2.5	5.4	1.2
5.5	6.4	1.3
6.5	9.4	1.4
9.5	11.4	1.5
11.5	14.4	1.6
14.5	17.4	1.7
17.5	20.4	1.8
20.5	23.4	1.9
23.5	26.4	2.0
26.5	30.4	2.1
30.5	33.4	2.2
33.5	37.4	2.3
37.5	40.4	2.4
40.5	44.4	2.5
44.5	47.4	2.6
47.5	51.4	2.7
51.5	54.4	2.8
54.5	57.4	2.9
57.5	60.0	3.0

(b) *Physical tests of field samples.* (1) The volume of poisonous gases must not exceed 140 liters per shell.

(2) Grams of wrapper: The tolerance shall be ±2 grams per 100 grams of chemical ingredient based on that shown for the approved design.

(3) Weight of chemical ingredients: The tolerance shall be ±10 percent of that shown by the basic composition.

(4) Gallery test 1: The device must pass gallery test 1 using the normal charge.

(5) Gallery test 4: The device must pass gallery test 4 using the normal charge.

(6) Pendulum friction test: Pendulum friction test must pass with the hard fibre-faced shoe falling from a height of 1.5 meters.

(7) The temperature of a hot shell must not exceed 350° C.

(8) The blasting device and all special equipment required for its use must conform to the basic data.

§ 17.16 *Rescission of approval.* The Bureau reserves the right to rescind for cause, at any time, any approval granted under this part. Upon such rescission, the device will be declared nonpermissible and will be removed from the list of permissible blasting devices.

DOUGLAS MCKAY,
Secretary of the Interior.

FEBRUARY 14, 1953.

[F. R. Doc. 53-1698; Filed, Feb. 19, 1953; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 3, Revision 1, Amdt. 3]

GOR 3—Exemptions and Suspensions of Certain Rubber, Chemical and Drug Commodity Transactions

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 3, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 3, Revision 1, is one of the actions by which OPS is carrying out that instruction.

GOR 3, originally issued to provide for exemption of certain limited rubber, chemical and drug commodity transactions, was revised on January 28, 1953, to provide a single listing of rubber, chemical and drug commodity transactions as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls will utilize the convenient pattern already thus provided, and will be in the form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control at all levels of distribution all sales of cosmetics, proprietary drug products, drugs and medicines, when sold in the 48 states of the United States, the District of Columbia, and all territories and possessions of the United States except the Commonwealth of Puerto Rico.

Amendment 2, previously issued on February 12, 1953, continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

Section 22 of General Overriding Regulation 3, Revision 1, is hereby amended by adding the following paragraph:

(d) *Drugs and cosmetics.* All sales of drugs and cosmetics as defined in section 24 (b) and (c), when sold within the 48 states of the United States, the District of Columbia, and all territories and possessions of the United States except the Commonwealth of Puerto Rico.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1746; Filed, Feb. 18, 1953; 4:49 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 18]

GOR 4—Exemptions and Suspensions of Certain Consumer Soft Goods

EXEMPTIONS OF ANIMAL HAIRS, CERTAIN FIBERS AND OTHER COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

As pointed out in the Statement of Considerations accompanying Amendment 17 to General Overriding Regulation 4, Revision 1, issued on February 6, 1953, the President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 4, Revision 1, is another in a series of actions by which OPS is carrying out that instruction.

This amendment exempts from price control all animal hairs and fibers, and all vegetable, plant and protein fibers. Many of these fibers, such as raw cotton, have been previously exempted from controls; this amendment is intended to exempt the remainder of them.

In addition, this amendment exempts all sales of printed plastic yard goods and commodities made from plastic sheeting or printed plastic yard goods, except sales at wholesale and retail in the territories and possessions of the United States. Many of these commodities have previously been exempted from control at the wholesale and retail levels (except in the territories and possessions); this amendment extends the exemption to all sales by manufacturers.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, as amended, is further amended by adding the following paragraphs:

(s) All animal hairs and fibers, and all vegetable, plant and protein fibers, including but not limited to, raw silk, mohair, bristles, kapok, spanish moss and broom corn.

(t) All sales of printed plastic yard goods, except sales at wholesale and retail in the territories and possessions of the United States.

(u) All sales of commodities made from plastic sheeting or printed plastic yard goods, including but not limited to, shower curtains, table cloths, chair and sofa covers, crib sheets, mattress covers, and pillow covers, except sales at wholesale and retail in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1745; Filed, Feb. 18, 1953; 4:48 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 16]

GOR 5—Exemptions and Suspensions of Certain Consumer Durable Goods and Related Commodities

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

As pointed out in the Statement of Considerations accompanying Amendment 15 to General Overriding Regulation 5, Revision 1, issued on February 6, 1953, the President of the United States has announced that he does not intend to ask for a renewal of price controls on April 30, 1953, when they expire. He has stated that in the meantime steps will be taken to eliminate price controls in an orderly manner.

This amendment to General Overriding Regulation 5, Revision 1, is an additional step in the orderly elimination of price controls. It exempts vitrually all consumer durable goods from controls, with the exception of certain specified major appliances. For purposes of convenience, the exempted commodities are described by reference to Appendix A of Ceiling Price Regulation 161, which lists nearly all consumer durable goods. In addition, this amendment exempts all radio, television and phonograph parts, including those intended for original equipment as well as for repair and replacement.

The exemption of these commodities applies to all sales in the continental United States, but applies only to manufacturers' sales in the territories and possessions of the United States. Wholesalers' and retailers' sales in the territories and possessions are not exempted by this amendment.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended in the following respects:

1. The following new sections are added to Article II:

SEC. 21. *Radio, television and phonograph parts.* Radio, television and phonograph parts, except sales at wholesale and retail in the territories and possessions of the United States.

SEC. 22. *Commodities listed in CPR 161.* The commodities described in Appendix A to Ceiling Price Regulation 161—Consumer Durable Goods Regulation, regardless of whether their ceiling prices have been determined under that regulation or any other regulation. Specifically excluded from this section, however, are sales of these commodities at wholesale or retail in the territories and possessions of the United States. Also specifically excluded from this section are all sales of the following major appliances:

Refrigerators, domestic.
Freezers, farm and home.
Dishwashers, domestic.
Ranges, domestic.
Clothes washers, dryers and ironers, domestic.

2. Article IV is revoked.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1747; Filed, Feb. 18, 1953; 4:49 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 21]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

DAIRY PRODUCTS AND MARGARINE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 21 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Pursuant to the President's policy calling for orderly termination of the price control program, this amendment exempts from price control the following additional items sold within the continental United States:

1. All dairy products, including fluid milk;

2. Margarine.

In view of the special nature and basis of this amendment, consultation with industry representatives, including trade association representatives, was impracticable and unnecessary. In the judgment of the Director, this amendment complies with the applicable provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Paragraph (i) of section 2 is amended to read as follows:

(i) All dairy products, including fluid milk, sold within the continental United States.

2. Section 2 is amended by adding the following new paragraph:

(p) Margarine sold within the continental United States.

3. Paragraph (c) of section 4 is amended to read as follows:

(c) *Supplementary Regulations to GCPR.* Supplementary Regulations 34, 43, 47, 54, 61, 63 and all Area Milk Price Regulations issued thereunder, 65 and 79 to the General Ceiling Price Regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1748; Filed, Feb. 18, 1953; 4:49 p. m.]

[General Overriding Regulation 9, Amdt. 40, Correction]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

CERTAIN FERROUS AND NONFERROUS METALS AND NONMETALLIC MINERALS, METAL SCRAP, SECONDARY NONFERROUS METAL, IRON ORE, CERTAIN BUILDING MATERIALS AND CONSTRUCTION SERVICES, CASTINGS, FORGINGS, AND MACHINERY AND EQUIPMENT RENTALS

Due to a clerical error certain of the references to section 2 (b) of General Overriding Regulation 9 contained in amendatory provision 2 of Amendment 40 to GOR 9 are incorrect. Accordingly, amendatory provision 2 of Amendment 40 to GOR 9 is corrected to read as follows:

2. Items (4) through (8) in section 2 (b) of GOR 9 are hereby added to the listing in section 2 (a), and are redesignated as subparagraphs (53) through (57), respectively.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1749; Filed, Feb. 18, 1953; 4:50 p. m.]

[General Overriding Regulation 9, Amdt. 41]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

CERTAIN NON-METALLIC BUILDING MATERIALS, REFRACTORY PRODUCTS, AND CERTAIN ITEMS OF MACHINERY AND AUTOMOTIVE EQUIPMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 is a further action under the directive of the President of the United States that the present price control program be terminated in an orderly manner.

General Overriding Regulation 9, as originally issued, provided a single listing of industrial materials and manufactured goods from which price ceilings were removed. It was intended that other commodities would be added to the coverage of the overriding regulation, and the present amendment is a further decontrol action for the commodities listed.

This amendment exempts from price control non-metallic building materials, refractory products, and certain items of machinery and automotive equipment.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

1. Section 1 of General Overriding Regulation 9 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation exempts certain commodities or transactions from any ceiling price restrictions imposed by the Office of Price Stabilization. It also suspends the operation of any ceiling price restrictions imposed by the Office of Price Stabilization as to certain other commodities or transactions. However, any record relating to a commodity exempted from price control which you were required to have immediately prior

to such exemption shall continue to be preserved and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States in the manner and for the period stipulated in the regulation requiring you to have such record.

2. Section 2 (a) of General Overriding Regulation 9 is amended by the addition of the following:

(58) Certain items of machinery as follows:

Automotive testing and maintenance equipment, mechanical and electrical.
Blocks and tackles.
Blowing machines, for blowing insulating materials, truck or trailer mounted.
Brushes, industrial, power-driven.
Carriers, lumber, steel, etc., specially designed for industrial or commercial use. This does not include on-the-highway automotive vehicles.
Cars, passenger or freight designed to operate on rails, including all types of flanged wheel mining and industrial cars and cars for surface, subway and elevated lines, whether or not self propelled.
Conduit, rigid and flexible, and conduit fittings.
Construction machinery and related equipment as follows:
  Asphalt mixers and plants of all types with related equipment used in mixing, handling, spreading and finishing bituminous construction and maintenance materials.
  Concrete mixers, pavers, mixing and batching plants and all equipment used in handling, placing, vibrating, spreading, and finishing concrete, mortar and plaster in pavements and structures of all types.
  Crushing, pulverizing, classifying and washing machinery and equipment for storing and handling rock, sand and gravel products.
  Dump cars, concrete carts, hand and powered.
  Excavating and earth-moving machinery, including power cranes and shovels, draglines, clamshells, hoes, buckets, dredging machinery, ditchers, scrapers, rippers, elevating and blade graders, and all types of off-highway hauling equipment including attachments and related equipment.
  Pile driving and extracting equipment.
  Pumpcrete machines and systems.
  Road, street and airport construction and maintenance equipment of all types, including scarifiers, maintainers, sprinklers, bituminous pressure distributors, spreaders, street sweepers, cleaners and flushers, snow plows, marking equipment, heating kettles and related tools and equipment.
  Rollers, compactors, formgraders and finegraders.
  Steel pavement sidewalk and curb forms, column clamps, adjustible shores.
  Tractors, crawler type and wheel type including angle, bull and pushdozers, control units, winches, pipelayer attachments, backfillers, loaders, cranes, and all other off-the-highway tractor attachments.
  Wellpoint systems.
Cotton ginning machinery.
Conveyors and conveying systems, industrial, including portable conveyors.
Counters and computers, electrical and mechanical, industrial.
Cranes, crawler, overhead bridge, locomotive, revolving, truck and others.
Cylinders, power, hydraulic, pneumatic and hydropneumatic.
Derricks.
Dollies, industrial.
Dust-collecting equipment, industrial, portable and stationary, including industrial vacuum cleaners.
Electric Trolley buses.
Elevators, passenger and freight.
Escalators.
Fans and blowers, industrial, including warm air furnace fans, attic ventilating fans; built-in fans over 24" diameter and pressure fans and blowers but excluding unit, heaters or unit ventilators, hand blowers, and desk, pedestal, portable, ceiling, wall-bracket type fans, and propeller type fans 24" diameter and under.
Food products machinery as follows:
  Bakery machinery.
  Beverage industries machinery.
  Canning plant machinery for food products except can and container making.
  Can closing machines.
  Cereal manufacturing machines.
  Coffee roasting machinery.
  Confectionery machines.
  Dairy and milk product plant machinery.
  Meat-packing house machinery.
  Vegetable oil machinery.
  Miscellaneous food processing machinery.
Heaters; stone or concrete.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation uses, except mechanical fire pots and blow torches.
Hoists.
Jack and jack screws; excluding automotive type jacks.
Line construction specialties, including line and hot line clamps, power connectors, disconnecting switches, pole type lightning arrestors, pole line hardware, and control cable accessories.
Locomotives and tenders, including mining and industrial.
Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.
Materials handling equipment, but excluding on-the-highway automotive vehicles.
Mining and quarrying machinery, including mine cars and trucks.
Oil-well and oil-field machinery and equipment.
Ore-crushing and concentrating machinery.
Ovens, industrial and laboratory, except coke ovens.
Plants, stationary, for railroad use in handling cinders, fuel, sand and water.
Railroad car and locomotive parts, and specialties for elevated, subway or surface lines, including:
  Axles.
  Bearings, truck side.
  Boilers, fireboxes, front ends and cabs, fittings, fixtures, devices, or appliances mounted thereon.
  Brake and brake gears.
  Coupler devices or attachments.
  Devices and appliances mounted on locomotives for treatment, distribution or control of water, fuel, steam, sand or electricity.
  Doors and fixtures.
  Draft gears, buffers, and attachments.
  Driving, foundation, or running gear.
  Grain control apparatus.
  Journal boxes, assembled.
  Heating, lighting, ventilation, and air-conditioning equipment.
  Lubricating devices.
  Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.
  Safety appliances and warning devices.
  Sides, roofs, ends, running boards, and brake steps.
  Spring rigging, snubbers and shock absorbers.
  Tires, steel.
  Trucks, complete.
  Underframes.
  Wheels, iron and steel.
Rolling mill machinery and auxiliary equipment.
Scaffolds and towers, including tower cages.
Skid platforms and pallets, all metal.
Soot blowers and tube cleaners, power-operated industrial and marine.
Stackers, industrial.
Steam cleaning and degreasing equipment and parts, washing and cleaning equipment, except commercial or domestic dish and utensil washing and cleaning equipment.
Textile industries machinery as follows:
  Plant-to-fiber machinery:
    Cotton ginning machinery.
    Flax scutching machinery.
  Fiber-to-fabric machinery.
  Fabric machinery.
  Bleaching, dying and finishing machines.
  Clothing and other fabric working machines.
  Cordage and rope-working machinery.
  Parts and accessories for textile industries machinery, including accessories made primarily of wood such as:
    Bobbins.
    Spools.
    Shuttles.
    Picker sticks.
Tools, hand, including manual and power-operated, but excluding professional instruments.
Trucks, industrial, hand.
Trucks, power-operated, lift, platform and straddle.
Voting machines and parts.
Winches and windlasses, manually or power-operated.

(59) Farm equipment: This term means any mechanical equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, and also the categories of non-mechanical equipment, attachments and parts included in the partial list of farm equipment mentioned below. The term "farm equipment" does not include automobiles, trucks, general purpose tools, hardware items, hand tools, prefabricated farm buildings, grain bins, building materials, electrical equipment (except electrically motivated farm equipment and fence controllers), lawn mowers, sprays, or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm tractors, garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeders; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hay loaders, stackers, balers, etc.); manure loaders; dairy farm equipment (milking machines, farm milk coolers (except mechanically refrigerated), farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); bee keepers' equipment; agricultural spraying equipment; weed burners for farm use; barn and barnyard equipment; mechanical hog feeders; ironed singletrees, doubletrees and neck yokes; electrical fence controllers; farm water pumps and water systems; irrigation systems and equipment for farm

use; windmills; windmill generating sets; portable farm grain elevators; wood slat corn cribbing woven with wire; silos; wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay pressers, peanut pickers, potato sorters and graders, syrup evaporators, etc.); farm wagons; and attachments and parts for all the foregoing.

(60) Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, and stoves.

(61) Glass products, industrial, scientific and technical, which are listed below:

Electrical glassware:
- Bulbs, glass portion (incandescent, fluorescent, indicator, auto lamp, radio, television, X-ray, radar and power tube).
- Bushings.
- Capacitors.
- Coil forms.
- Flares (glass base portion for lighting, radio, indicator, auto lamp, television, X-ray, radar and power tube).

Industrial glassware:
- Cylinders.
- Flat gauge glasses.
- Glass bulbs.
- Gauge cup and oil cup glasses.
- Meter and relay covers.
- Miscellaneous industrial glassware which is to be further fabricated by others or which is to be incorporated as a component part of an industrial product.

Laboratory and pharmaceutical glassware:
- Apparatus ware.
- Chemical ware.
- Instrument tubing.
- Laboratory apparatus tubing.

Optical glass:
- Rough glass blanks for optical, opthalmic and scientific use.

Signal glassware:
- Airplane running lights.
- Battery jars.
- Explosion resisting globes.
- Fresnels.
- Front glasses.
- Lenses.
- Obstruction lights.
- Optical ware (color and light filters).
- Roundels.

(62) Sales of acoustical building material products and accessories, except those products or accessories which contain or are made of metal.

(63) Sales of glass products, described as follows:

Front surfaced and semi-transparent mirrors.
Glass blocks and bricks.
Laminated and safety (including automobile) glass.
Plate glass (all types).
Rolled glass: figured, wire and heat absorbing.
Structural and architectural glass.
Tempered glass doors.

(64) Sales of masonry, roofing, and insulation products, described as follows:

Asbestos cement products.
Asphaltic concrete and bituminous paving mixes.
Asphaltic concrete products.
Asphaltic and tarred roofing products including dry felt and roofing papers.
Building boards, laminated and pressed (pulp, fibre, paper, excelsior, etc.).
Cement (all types).
Cinders.
Clay products as follows:
- Building brick.
- Building tile.
- Conduits.
- Filter block.
- Liners.
- Paving brick.
- Underdrain.
- Drain tile.
- Floor, quarry, roofing and wall tile.

Concrete products, described as follows:
- Masonry units (all size blocks, bricks, slabs).
- Pipe and fittings.
- Sewer pipe.
- Water pipe.
- Culvert.
- Drain and irrigation.
- Posts (fence, piles, and cribbing).
- Precast (stone, terrazzo, art marble, and specialties).
- Tanks (septic, water, storage, laundry, catch basins, and grease traps).
- Tile (floor, roofing, and staves).
- Vaults (grave and mausoleum liners).

Concrete, read mixed.
Decorated tile board and synthetic fibre board.
Cork products: Insulation, industrial, and natural cork specialties.
Cork composition mats and sheets not further processed.
Crushed stone (ballast, metallurgical and chemical).
Gravel (ballast, roofing, and filter).
Gypsum and gypsum products as follows:
- Crude.
- Calcined gypsum plasters and products.
- Industrial products and specialties.
- Gypsum board machine products and accessories, plain and decorated.

Hard density synthetic fibre boards.
Insulated brick stone siding and accessories.
Laminated boards which are combination of any of the following materials:
- Gypsum board, fibre insulation board, laminated fibre board, hard density board, asbestos cement board, impregnated felt base products, and metals.

Lightweight aggregates (all types including perlite, vermiculite, blast furnace slag, clay shale material, volcanic materials, etc.).
Lime (construction, metallurgical, chemical and refractory).
Magnesite flooring materials, plain or copper-bearing, plastic or block.
Oyster shells.
Pipe and boiler insulations and cement: high and low temperature, molded or laminated, celiular or solid.
Roofing granules, synthetic.
Sand, all types including aggregate and industrial.
Sand lime brick.
Slag.
Stone (rough, rubble, rip-rap, flagging, fluxing, etc.).
Stucco (exterior and interior).
Thermal insulations for building and industrial purposes (rigid, semi-rigid, loose, and granulated).
Vitrified clay sewer pipe and allied products:
- Channel pipe (perforated and nonperforated).
- Conduit, filter block, floor tile, liner plates, segment block, and underdrain.
- Drain tile (pressed).
- Flue lining, chimney pipe and specials.
- Meter boxes, septic tanks, grease traps, and wall copings.
- Sewer pipe fittings and specials.
- Sewer pipe, perforated and nonperforated, boll and spigot, and butt joint.

(65) Sales of trailer coaches: A trailer coach is a wheeled vehicle without motive power, with furnishings designed to provide living quarters or business accommodations and which is moved by a passenger automobile or automotive truck to which it is attached by a hitch or coupling; also referred to as a house trailer or mobile home.

(66) Sales of ambulances: An ambulance is an automotive vehicle designed for the transportation of sick or injured persons.

(67) Sales of hearses: A hearse is an automotive vehicle designed to convey the dead to the grave.

(68) Sales of flower cars: A flower car is an open automotive vehicle designed to carry flowers in a funeral procession.

(69) Sales of motorcycles: A motorcycle is a two-wheeled automotive vehicle having one or two riding saddles and sometimes having a side car or delivery box with a third wheel. This term does not include motorized bicycles.

(70) Sales of motor scooters: A motor scooter is a two-wheeled automotive vehicle with wheels usually under ten inches in diameter and with a single cylinder engine generating under seven horsepower.

(71) Sales of motorized fire equipment: Motorized fire equipment is designated as follows: Motorized fire apparatus, truck or trailer mounted, excluding all fire apparatus and fire-fighting equipment not designed and/or used for truck or trailer mounting. Excluded from this coverage are fire extinguishers, hand and portable types; fire hose and couplings; fire hooks and ladders, fire safety nets; fire pumps; fire-fighting hand tools; etc., when produced for sale and not by the manufacturer of the complete commodity for incorporation into or for use with the commodity.

(72) Sales of refractory products: "Refractory products" includes: Fireclay brick; silica brick; insulating firebrick; ladle brick; hot top brick; sleeves, nozzles and runners; high alumina brick; basic brick; special refractory brick made from silicon-carbide, kyanite, alumina, zircon, spinel, olivine or mullite; specialties such as mortars, plastic refractories and castables.

(73) Sales of fireclay, dolomite, magnesite, dead-burned dolomite, and dead-burned magnesite.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1750; Filed, Feb. 18, 1953; 4:50 p. m.]

[General Overriding Regulation 12, Revision 1, Amdt. 2]

GOR 12—EXEMPTION OF CERTAIN FUEL PRODUCTS

SOLID FUELS AND RELATED COMMODITIES AND SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 12, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control all solid fuels and related commodities and services not previously exempted. The nature and basis for this amendment is the same as that for GOR 12, Revision 1, issued February 12, 1953, and the statement of considerations accompanying the latter regulation is equally applicable to this amendment. In accordance with the provisions of GOR 12, Revision 1, any record relating to a commodity exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved, and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

Section 3 of the General Overriding Regulation 12, Revision 1, is amended by adding the following new paragraphs:

(d) Sales of coal, except Pennsylvania Anthracite, delivered from mine or preparation plant, and related services, covered by CPR 3.

(e) Sales of bituminous briquets produced at plants in or near the coal fields, and related services, covered by SR 1 to CPR 3.

(f) Sales of Pennsylvania Anthracite delivered from mine or preparation plant, and related services, covered by CPR 4.

(g) Sales of anthracite briquets produced at plants in the Pennsylvania anthracite field, and related services, covered by SR 1 to CPR 4.

(h) Sales of coal sold for direct use as bunker fuel covered by CPR 21.

(i) Sales of solid fuels by Lake Coal Dock operators covered by CPR 27.

(j) Sales of solid fuels by retail coal dealers covered by GCPR and SR 2 to GCPR.

(k) Sales of coal by tidewater coal dock dealers covered by GCPR and SR 4 to GCPR.

(l) Sales of coal for export covered by GCPR and SR 8 to GCPR.

(m) Sales of coke, coal chemicals, and coke oven gas, as defined in SR 13 to GCPR, covered by GCPR and SR 13 to GCPR.

(n) Sales of coal briquets, petroleum coke briquets, and packaged fuel covered by GCPR and SR 78 to GCPR.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 12, Revision 1, shall become effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1751; Filed, Feb. 18, 1953; 4:51 p. m.]

[General Overriding Regulation 14, Amdt. 40]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

EXEMPTION OF PREVIOUSLY SUSPENDED SERVICES AND ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 40 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953 when the present legislation expires. He has stated that in the meantime, steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 14 is one of the actions in which OPS is carrying out that instruction.

GOR 14 was issued to provide, so far as practicable, a single listing of services as to which changing conditions justified suspension or removal of price ceilings. This amendment exempts from price control all services, except laundry, linen and diaper supply and dry cleaning services; services supplied to commercial, industrial or governmental purchasers to the extent that such services are used directly in the processing or manufacturing of commodities which remain under price control; and brokerage fees and agency commissions charged for commodity or services sales which are under ceiling price control.

Warehousing, dock and terminal services and all transportation services including the rental of cars and other transportation equipment are exempted from price control.

All services previously suspended under General Overriding Regulation 14 and Supplementary Regulation 15 to the General Ceiling Price Regulation are exempted from price control by this amendment.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 14 as amended, is further amended in the following respects:

1. Paragraph (a) of Section 3 is amended by adding at the end thereof the following:

(138) All warehousing, dock and terminal services.

(139) Transportation services including rentals of cars and other transportation equipment.

(140) All services as to which ceiling prices have been suspended under section 4 (b) or under Supplementary Regulation 15 to the General Ceiling Price Regulation.

(141) All other services except the following:

(i) Laundry, linen and diaper supply, and dry cleaning.

(ii) Services supplied to commercial, industrial or governmental purchasers to the extent that such services are used directly in the processing or manufacturing of commodities which are under ceiling price regulation.

(iii) All brokerage fees and agency commissions charged for commodity or service sales which are under ceiling price regulation.

2. The following sentence is added after the first sentence in paragraph (a) of section 3: "However, any record relating to a service exempted from price control which you were required to have immediately prior to such exemption shall continue to be preserved and made available for examination by OPS or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 40 to General Overriding Regulation 14 shall be effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1752; Filed, Feb. 18, 1953; 4:51 p. m.]

[General Overriding Regulation 34, Amdt. 8]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

GENERAL DECONTROL OF LUMBER AND WOOD PRODUCTS AND ALLIED COMMODITIES AND SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to GOR 34 is one of the actions by which OPS is carrying out that instruction.

GOR 34 was issued to provide a single listing of certain commodities and related services of the Lumber and Wood Products Branch of the Forest Products Division as to which changing conditions justified suspension or removal of price ceilings. A similar general regulation has been issued for each of the major commodity areas. Since these regulations are generally familiar to the sellers affected, the actions removing controls

will utilize the convenient pattern already thus provided, and will be in form of amendments adding additional groups of items which are to be exempted from price control.

This amendment exempts from price control within the continental limits of the United States and its territories and possessions, all of the commodities and related services hitherto remaining subject to price control under the jurisdiction of the Lumber and Wood Products Branch, including those which had been previously only suspended from price control.

This amendment also expressly continues the requirements heretofore in effect under the applicable regulations respecting preservation of records as to past transactions.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2 *Sales of commodities and services exempted from price control.* (a) All lumber and wood products and allied commodities and services covered by the Forest Products Division of the Office of Price Stabilization and sold in the continental United States, and its territories and possessions such as, but not limited to, logs, lumber, veneer, containers, turned and shaped wood products, plywood, treated and untreated poles and pilings, millwork, and logging and hauling services are hereby exempted from price control.

(b) Any record, relating to a lumber, wood, or allied commodity or service exempted from price control, which you were required to have immediately prior to such exemption shall continue to be preserved and made available for examination by the Office of Price Stabilization or any other authorized agency of the United States, in the manner and for the period stipulated in the regulation requiring you to have such record.

2. Sections 3 and 4 are hereby deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 18, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 18, 1953.

[F. R. Doc. 53-1753; Filed, Feb. 18, 1953; 4:51 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WEST VIRGINIA

Effective January 22, 1953, that part of Amendment 116 to Schedule A of Rent Regulation 1 and Amendment 113 to Schedule A of Rent Regulation 2 which pertains to Item 357 (Marion-Monongalia Counties, West Virginia, Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 17th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
West Virginia				
(357) Marion-Monongalia Counties.	B	In MARION COUNTY, the city of Farmington, the towns of Grant Town and Monongah; in MONONGALIA COUNTY, the city of Westover, the towns of Granville and Star City, and the unincorporated area.	Apr. 1, 1941	July 1, 1942

[F. R. Doc. 53-1700; Filed, Feb. 19, 1953; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SAN FRANCISCO BAY, CALIFORNIA

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), paragraph (a) (7) of § 202.224 establishing and governing the use of Anchorage No. 7 (Temporary), in San Francisco Bay, is hereby amended to provide for the temporary anchorage of vessels in the easterly portion of the anchorage for a period not to exceed 36 hours, as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, California*—(a) *San Francisco Bay.* * * *

(7) *Anchorage No. 7 (Temporary).* (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly corner of Treasure Island at a point bearing 89°, 4,135 yards, from Alcatraz Island Light; thence to points which are the following bearings and distances from Alcatraz Island Light; 73° 30', 3,100 yards; 117° 40', 2,087 yards; 122° 30', 3,730 yards; 101° 40', 4,783 yards.

(ii) That portion of this anchorage lying westerly of a line, having a bearing of 311° 30' from Pier E of the San Francisco-Oakland Bay Bridge and passing through Point Knox Light on Angel Island, is reserved for the use of vessels while undergoing examination by quarantine, customs, immigration, Coast Guard, and other Governmental authorities. Upon completion of these examinations, vessels shall promptly move out of this portion of the anchorage.

(iii) That portion of this anchorage lying easterly of the said line, having a bearing of 311° 30' from Pier E of the San Francisco-Oakland Bay Bridge, is for use of vessels undergoing examination, as in subdivision (ii) of this subparagraph, and also for use of vessels requiring a temporary anchorage. Vessels shall not remain in this portion of the anchorage for longer than 36 hours.

* * * * *

[Regs., Jan. 30, 1953, 800.212 (San Francisco Bay, Calif.)-ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-1671; Filed, Feb. 19, 1953; 8:45 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 3—LICENSES TO FILE APPLICATIONS FOR PATENTS IN FOREIGN COUNTRIES

PART 5—SECRECY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

Part 3 is cancelled and new Part 5, reading as follows, is established:

SECRECY ORDERS

Sec.
5.1 Defense inspection of certain applications.
5.2 Secrecy order.
5.3 Prosecution of application under secrecy order; withholding patent.
5.4 Petition for rescission of secrecy order.
5.5 Permit to disclose or modification of secrecy order.
5.6 General and group permits.
5.7 Compensation.
5.8 Appeal to Secretary.

LICENSES FOR FOREIGN FILING

5.11 License for filing application in foreign country.
5.12 Petition for license.
5.13 Petition for license; no corresponding U. S. application.
5.14 Petition for license; corresponding U. S. application.
5.15 Scope of license.
5.16 Effect of secrecy order.
5.17 Who may use license.

GENERAL

5.21 Effect of modification, rescission or license.
5.22 Papers in English language.
5.23 Correspondence.

AUTHORITY: §§ 5.1 to 5.23 issued under secs. 6, 188, 66 Stat. 793, 808; 35 U. S. C. 6, 188. Interpret or apply secs. 181–187, 66 Stat. 805, 808; 35 U. S. C. 181–187.

SECRECY ORDERS

§ 5.1 *Defense inspection of certain applications.* In accordance with the provisions of 35 U. S. C., section 181, applications for patent containing subject matter the disclosure of which might be detrimental to the national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent Office by the defense agencies as so related, are made available. Such inspection must be at the Patent Office and by responsible representatives of the agency who are required to sign a dated acknowledgment of such access accepting the condition that information obtained from the inspection will be used for no other purpose than in the administration of sections 181–188 of Title 35, U. S. Code. Applications relating to atomic energy are made available to the Atomic Energy Commission as specified in § 1.14 of this chapter.

§ 5.2 *Secrecy order.* (a) When notified by the chief officer of a defense agency that publication or disclosure of the invention by the granting of a patent would be detrimental to the national security, an order that the invention be kept secret will be issued by the Commissioner of Patents.

(b) The secrecy order is directed to the applicant, his successors, any and all assignees, and their legal representatives; hereinafter designated as principals.

(c) A copy of the secrecy order will be forwarded to each principal of record in the application and will be accompanied by a receipt, identifying the particular principal, to be signed and returned.

(d) The secrecy order is directed to the subject matter of the application. Where any other application in which a secrecy order has not been issued discloses a significant part of the subject matter of the application under secrecy order, the other application and the common subject matter should be called to the attention of the Patent Office. Such a notice may include any material such as would be urged in a petition to rescind secrecy orders on either of the applications.

§ 5.3 *Prosecution of application under secrecy order; withholding patent.* Unless specifically ordered otherwise, action on the application by the office and prosecution by the applicant will proceed during the time an application is under secrecy order to the point indicated in this section:

(a) Applications under secrecy order which come to a final rejection must be appealed or otherwise prosecuted to avoid abandonment. Appeals in such cases must be completed by the applicant but unless otherwise specifically ordered by the Commissioner will not be set for hearing until the secrecy order is removed.

(b) Interferences may be declared involving an application under secrecy order but unless otherwise specifically ordered or permitted such interferences are suspended after the approval of the preliminary statements.

(c) When the application is found to be in condition for allowance except for the secrecy order, the applicant and the agency which caused the secrecy order to be issued will be notified. This notice (which is not a notice of allowance under § 1.311 of this chapter) does not require response by the applicant and places the application in a condition of suspension until the secrecy order is removed. When the secrecy order is removed the Patent Office will issue a notice of allowance under § 1.311 of this chapter, or take such other action as may then be warranted.

§ 5.4 *Petition for rescission of secrecy order.* (a) A petition for rescission or removal of a secrecy order may be filed by, or on behalf of, any principal affected thereby. Such petition may be in letter form, and it must be in duplicate. The petition must be accompanied by one copy of the application or an order for the same, unless a showing is made that such a copy has already been furnished, to the department or agency which caused the secrecy order to be issued.

(b) The petition must recite any and all facts that purport to render the order ineffectual or futile if this is the basis of the petition. When prior publications or patents are alleged the petition must give complete data as to such publications or patents and should be accompanied by copies thereof.

(c) The petition must identify any contract between the Government and any of the principals, under which the subject matter of the application or any significant part thereof was developed, or to which the subject matter is otherwise related. If there is no such contract, the petition must so state.

(d) Unless based upon facts of public record, the petition must be verified.

§ 5.5 *Permit to disclose or modification of secrecy order.* (a) Consent to disclosure, or to the filing of an application abroad, as provided in 35 U. S. C. 182, shall be made by a "permit" or "modification" of the secrecy order.

(b) Petitions for a permit or modification must fully recite the reason or purpose for the proposed disclosure. Where any proposed disclosee is known to be cleared by a defense agency to receive classified information, adequate explanation of such clearance should be made in the petition including the name of the agency or department granting the clearance and the date and degree thereof. The petition must be filed in duplicate and be accompanied by one copy of the application or an order for the same, unless a showing is made that such a copy has already been furnished to the department or agency which caused the secrecy order to be issued.

(c) In a petition for modification of a secrecy order to permit filing abroad, all countries in which it is proposed to file must be made known, as well as all attorneys, agents and others to whom the material will be consigned prior to being lodged in the foreign patent office. The petition should include a statement vouching for the loyalty and integrity of the proposed disclosees and where their clearance status in this or the foreign country is known all details should be given.

(d) Consent to the disclosure of subject matter from one application under secrecy order may be deemed to be consent to the disclosure of common subject matter in other applications under secrecy order so long as not taken out of context in a manner disclosing material beyond the modification granted in the first application.

(e) The permit or modification may contain conditions and limitations.

§ 5.6 *General and group permits.* (a) Organizations requiring consent for disclosure of applications under secrecy order to persons or organizations in connection with repeated routine operation may petition for such consent in the form of a general permit. To be successful such petitions must ordinarily recite the security clearance status of the disclosees as sufficient for the highest classification of material that may be involved.

(b) Where identical disclosees and circumstances are involved, and consent is desired for the disclosure of each of a specific list of applications, the petitions may be joined.

§ 5.7 *Compensation.* Any request for compensation as provided in 35 U. S. C. 183 must not be made to the Patent Office but should be made directly to the department or agency which caused the secrecy order to be issued. Upon written request persons having a right to such information will be informed as to the department or agency which caused the secrecy order to be issued.

§ 5.8 *Appeal to Secretary.* Appeal to the Secretary of Commerce, as provided by 35 U. S. C. 181, from a secrecy order cannot be taken until after a petition for rescission of the secrecy order has been made and denied. Appeal must be taken within 60 days from the date of the denial, and the party appealing, as well as the department or agency which caused the order to be issued will be notified of the time and place of hearing. The appeal will be heard and decided by the Secretary or such officer or officers as he may designate.

LICENSES FOR FOREIGN FILING

§ 5.11 *License for filing application in foreign country.* (a) When no secrecy order has been issued under § 5.2, a license from the Commissioner of Patents under 35 U. S. C. 184 is required before filing any application for patent or for the registration of a utility model, industrial design, or model, in a foreign country, or causing or authorizing such filing, with respect to an invention made in the United States, if:

(1) The foreign application is to be filed or its filing caused or authorized before an application for patent is filed in the United States, or

(2) The foreign application is to be filed, or its filing caused or authorized, prior to the expiration of six months

from the filing of the application in the United States.

(b) When there is no secrecy order in effect, a license under 35 U. S. C. 184 is not required if:

(1) The invention was not made in the United States, or

(2) The foreign application is to be filed, or its filing caused or authorized, after the expiration of six months from the filing of the application in the United States.

(c) When a secrecy order has been issued under § 5.2, an application cannot be filed in a foreign country in any case except in accordance with § 5.5.

§ 5.12 *Petition for license.* Petitions for license under 35 U. S. C. 184 may be presented in letter form and should include petitioner's address, and full instructions for delivery of the requested license when it is to be delivered to other than the petitioner.

§ 5.13 *Petition for license; no corresponding U. S. application.* Where there is no corresponding United States application, the petition for license must be accompanied by a legible copy of the material upon which license is desired. This copy will be retained as the measure of the license granted. For assistance in the identification of the subject matter of each license so issued, it is suggested that the petition or requesting letter be submitted in duplicate and provide a title and other description of the material. The duplicate copy of the petition will be returned with the license or other action on the petition.

§ 5.14 *Petition for license; corresponding U. S. application.* (a) Where there is a corresponding United States application on file the petition for license must identify this application by serial number, filing date, inventor, and title, and a copy of the material upon which the license is desired is not required. The subject matter licensed will be measured by the disclosure of the United States application. Where the title is not descriptive, and the subject matter is clearly of no interest from a security standpoint, time may be saved by a short statement in the petition as to the nature of the invention.

(b) Two or more United States applications should not be referred to in the same petition for license unless they are to be combined in the foreign application, in which event the petition should so state and the identification of each United States application should be in separate paragraphs.

(c) Where the application to be filed abroad contains matter not disclosed in the United States application or applications, including the case where the combining of two or more United States applications introduces subject matter not disclosed in any of them, a copy of the application as it is to be filed in the foreign country must be furnished with the petition. If, however, all new matter in the application to be filed is readily identifiable, the new matter may be submitted in detail and the remainder by reference to the pertinent United States application or applications.

§ 5.15 *Scope of license.* (a) A license to file an application in a foreign country, when granted, includes authority to forward all duplicate and formal papers to the foreign country and to make amendments and take any action in the prosecution of the application, provided subject matter additional to that covered by the license is not involved. In those cases in which no license is required to file the foreign application, no license is required to file papers in connection with the prosecution of the foreign application not involving disclosure of additional subject matter. Any paper filed abroad following the filing of a foreign application, which involves the disclosure of additional subject matter must be separately licensed in the same manner as an application.

(b) Licenses separately granted in connection with two or more United States applications may be exercised by combining or dividing the disclosures, as desired, provided additional subject matter is not introduced.

(c) A license does not apply to acts done before the license was granted unless the petition specifically requests and describes the particular acts and the license is worded to apply to such acts.

§ 5.16 *Effect of secrecy order.* Any license obtained under 35 U. S. C. 184 is ineffective if the subject matter is under a secrecy order, and a secrecy order prohibits the exercise of or any further action under the license unless separately specifically authorized by a modification of the secrecy order in accordance with § 5.5.

§ 5.17 *Who may use license.* Licenses may be used by anyone interested in the foreign filing for or on behalf of the inventor or his assigns.

GENERAL

§ 5.21 *Effect of modification, rescission or license.* Any consent, rescission or license under the provisions of this part does not lessen the responsibilities of the principals in respect to any Government contract or the requirements of any other Government agency.

§ 5.22 *Papers in English language.* All papers submitted in connection with petitions must be in the English language, or be accompanied by an English translation and a translator's certificate as to the true, faithful and exact character of the translation.

§ 5.23 *Correspondence.* All correspondence in connection with this part, including petitions, should be addressed to "Commissioner of Patents (Attention Division 70), Washington 25, D. C."

[SEAL] JOHN A. MARZALL,
Commissioner of Patents.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53-1692; Filed, Feb. 19, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-34 (Sub. No. 1)]

BLOOMFIELD STEAMSHIP CO., INC., AND DIXIE CARRIERS, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in this proceeding will be held in Room 4821, Department of Commerce Building, Washington, D. C., on March 2, 1953, at 10 o'clock a. m., e. s. t., before Examiner F. J. Horan. The prehearing conference will be conducted under § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

Also, the time and place of hearing will be fixed at the prehearing conference.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in the proceeding should notify the Board on or before February 26, 1953, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: February 17, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 53-1721; Filed, Feb. 19, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4191 et al.]

WEST COAST AIRLINES, INC., ET AL.; KLAMATH FALLS–MEDFORD SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of West Coast Airlines, Inc., Docket No. 4191, United Air Lines, Inc., Docket No. 4415, and Southwest Airways Company, Docket No. 5648, for amendment of certificates of public convenience and necessity pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 3, 1953 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 17, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1714; Filed, Feb. 19, 1953; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, for construction permit; Docket No. 9964, File No. BP–7830.

The Commission having under consideration a petition filed on February 11, 1953, by Charles W. Holt, Clarence M. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company asking for an indefinite continuance of the hearing in this proceeding now scheduled for February 18, 1953, in Washington, D. C.; and

It appearing, that the option for lease upon applicant's proposed antenna site has expired and lessor has refused to extend it but that applicant is now in the process of locating a new antenna site and expects that adequate coverage will be afforded to the metropolitan district of Mobile based upon a preliminary examination of the new site with the use of an improved antenna system increasing the effective field; and

It further appearing, that there are no other parties to this proceeding and that counsel for the Chief of the Commission's Broadcast Bureau has waived the provisions of § 1.745 of the Commission's rules relating to practice and procedure (commonly referred to as the four-day rule);

It is ordered, This 12th day of February 1953, that the hearing in this proceeding is indefinitely continued subject to a future order setting a definite date for hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1719; Filed, Feb. 19, 1953; 8:53 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT–264; Stark Broadcasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT–949; for construction permits for new television stations.

The Commission having under consideration a petition filed February 9, 1953, by Stark Broadcasting Corporation, Canton, Ohio, requesting a continuance of the hearing in the above-entitled matter now scheduled for Wednesday, February 18, 1953, to "some date subsequent to April 10, 1953"; and

It appearing that said requested continuance is necessitated by the illness of a 50 percent owner of the common stock of Stark Broadcasting Corporation; that all parties including the Chief, Broadcast Bureau of the Commission have consented to a grant of this petition and to the requested continuance and that no party or the public interest would be adversely affected by a grant thereof;

It is ordered, This 11th day of February 1953, that the petition of Stark Broadcasting Corporation for a continuance is granted; and the hearing in the above-entitled matter now scheduled for February 18, 1953, is continued to 10 o'clock a. m. Wednesday, April 15, 1953, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1717; Filed, Feb. 19, 1953; 8:52 a. m.]

[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Head of the Lakes Broadcasting Co., Superior, Wisconsin, Docket No. 10289, File No. BPCT–621; Red River Broadcasting Co., Inc, Duluth, Minnesota, Docket No. 10290, File No. BPCT–903; for construction permits for new television stations.

There being under consideration a joint request by the applicants for a two-week continuance of the hearing of February 17, 1953, herein, expressed in a letter of February 10, 1953, to the Examiner, copies of which will be inserted in the docket;

It appearing, that there is no opposition to the proposed continuance;

It is ordered, This 11th day of February 1953, that the hearing now scheduled for February 17, 1953, is continued to March 3, 1953, beginning at 9:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1718; Filed, Feb. 19, 1953; 8:53 a. m.]

[Docket Nos. 10335, 10378]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER POSTPONING HEARING

In the matter of The Western Union Telegraph Company, complainant, v. All America Cables and Radio, Inc., The Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., defendants; Docket No. 10378. In the matter of The Western Union Telegraph Company, complainant, v. RCA Communications, Inc., defendant; Docket No. 10335.

The Commission, having under consideration a petition filed on February 9, 1953, by All America Cables & Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc. wherein, among other things, it is requested that the hearings in the above-entitled matter now designated for March 3, 1953, be postponed indefinitely or to a later date convenient to the Commission;

It appearing, that the aforementioned petition also requested that the Commission reconsider its action in designating the issues for consolidated hearing as a complaint proceeding and redesignate the same as an investigation into those tariff provisions of the several carriers respondent, including The Western Union Telegraph Company, covering the delivery areas of messages in and around the three so-called gateway cities of New York, Washington, D. C., and San Francisco; and that the issues in such an investigatory proceeding be changed and/or enlarged as the Commission may deem appropriate;

It further appearing, that under the Commission's rules, The Western Union Telegraph Company and RCA Communications, Inc., which have been served with copies of the above-described petition, may submit replies thereto no later than February 19, 1953, and that unless the hearing is postponed, there would remain a period of less than two weeks for Commission consideration of and action upon the aforementioned Petition before the date on which hearings are now scheduled to commence;

It further appearing, that counsel for The Western Union Telegraph Company and RCA Communications, Inc., the only other parties to the consolidated proceeding herein, have indicated no objection to the aforesaid Petition insofar as it requests the postponement of the hearing herein, while reserving all rights with respect to the other requests con-

tained in said Petition, and that the Acting Chief of the Common Carrier Bureau, Federal Communications Commission also has no objection to such postponement;

It further appearing, that when the Commission acts upon the requests contained in the above-described Petition of All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc., other than that for a postponement, it can fix a date for the hearing herein to commence, which date will be appropriate in light of the action the Commission takes on such requests;

It is ordered, This 12th day of February 1953, that the hearing herein now scheduled to start on March 3, 1953, be postponed until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1720; Filed, Feb. 19, 1953; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 13]

COLUMBIA BASIN PROJECT, WASHINGTON

SALE OF FULL-TIME FARM UNITS

JANUARY 29, 1953.

Columbia Basin Project, Washington; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., February 17, 1953.

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
12	6	87.3	78.8	----------	78.8	----------	8.5	$3,986.50
	7	82.2	68.7	1.5	67.2	----------	13.5	4,249.50
	8	95.0	89.9	----------	84.8	5.1	5.1	4,526.70
	9	78.3	73.0	0.4	56.4	16.2	5.3	3,721.80
	11	142.0	102.2	----------	45.1	57.1	39.8	2,293.25
	13	104.1	76.4	8.4	55.6	12.4	27.7	2,091.70
	16	96.1	82.1	7.8	61.7	12.6	14.0	3,845.30
	17	77.1	66.9	40.4	26.5	----------	10.2	4,332.20
	18	86.8	73.7	62.2	11.5	----------	13.1	5,343.60
	23	88.1	81.9	25.4	56.5	----------	6.2	4,101.20
	24	100.9	84.7	----------	64.4	20.3	16.2	3,746.40
	26	111.3	100.7	----------	100.7	----------	10.6	4,579.50
	33	85.1	65.1	----------	64.9	0.2	20.0	2,922.70
	38	74.3	68.4	34.4	32.7	1.3	5.9	3,089.60
	42	68.7	63.8	25.2	38.6	----------	4.9	3,247.10
	43	86.8	79.8	19.0	49.4	11.4	7.0	4,207.60
	45	71.1	66.6	41.9	19.0	5.7	4.5	3,378.00
	46	59.9	40.0	----------	35.9	4.1	19.9	1,912.80
	47	100.8	76.6	0.4	59.7	16.5	24.2	3,539.10
	48	111.7	66.4	----------	47.8	18.6	45.3	3,360.40

b. *Additional farm units.* It is expected that, through the operation of its land acquisition program the United States may, within twelve (12) months following the date of this announcement, own additional farm units in Irrigation Blocks 40, 41, 42, and 49. Such farm units may be offered for sale under the provisions of this announcement.

The official plats of these irrigation blocks are on file in the office of the County Auditors of Grant County, Adams County, and Franklin County, at Ephrata, Lind, and Pasco, Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region I, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* A preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., February 17, 1953, and ending at 2 p. m., April 3, 1953, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and July 3, 1952, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7c of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of four members has been appointed by the Regional Director, Region I, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required

minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the Board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obligated to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applications will be classified for priority purposes as follows:

a. *First priority group.* All complete applications filed prior to 2 p. m., April 3, 1953, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second priority group.* All complete applications filed prior to 2 p. m., April 3, 1953, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third group.* All complete applications filed after 2 p. m., April 3, 1953. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9a of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the Board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the Board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the Board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the Board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the Board for the purpose of: (a) Affording the Board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the Board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the Board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an oppor-

tunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the Board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the Board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the Board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the Board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the Board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the Board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the Board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the irrigation district or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three per cent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	Second year	Third year	Fourth year	Fifth year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1954, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the three irrigation districts in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1955 for Irrigation Block 12. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the irrigation district in which the land is located. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the irrigation districts requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

VERNON D. NORTHROP,
Under Secretary of the Interior.

[F. R. Doc. 53-1575; Filed, Feb. 19, 1953; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority 1, Revision 1, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 2 (18 F. R. 706), this Amendment 2 to Redelegation of Authority No. 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act under section 39 of Ceiling Price Regulation 7, as amended.

This amendment is effective February 17, 1953.

JAMES G. LYONS,
Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1701; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 24, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTION 91 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 52, Revision 1, Amendment 1 (18 F. R. 747), this Redelegation of Authority No. 24, Revision 1, Amendment 1, is hereby issued.

Redelegation of Authority 24, Revision 1, section 1, is amended to read as follows:

SECTION 1. *Authority to act under sections 36, 53, and 91 of CPR 117, Revision 1.* Authority is hereby redelegated to the Directors of the District Office of Price Stabilization of Region II to act, by order, on all applications under the provisions of sections 36, 53 and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Redelegation of Authority No. 24, Revision 1, shall be effective February 17, 1953.

JAMES G. LYONS,
Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1702; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 55]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 88 (18 F. R. 613), this Redelegation of Authority No. 55, is hereby issued.

1. *Authority to act under section 5 of GOR 40.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by this Regional Office.

This Redelegation of Authority No. 55 shall be effective February 17, 1953.

JAMES G. LYONS,
Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1703; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region II, Redelegation of Authority 56]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 65, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 81, Revision 1 (18 F. R. 640), this Redelegation of Authority No. 56 is hereby issued.

Authority to act under section 4 (d) of Ceiling Price Regulation 65, as amended. 1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to receive and process applications for the establishment of ceiling prices pursuant to section 4 (d) of CPR 65, as amended, and to approve or disapprove ceiling prices proposed by applicants, to establish different ceiling prices, to request further information concerning the applications, and to amend, modify or revoke any order issued pursuant to this redelegation of authority.

This Redelegation of Authority No. 56 shall be effective February 17, 1953.

JAMES G. LYONS,
Regional Director, Region II.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1704; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region III, Redelegation of Authority 1, Revision 2, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 2 (18 F. R. 706), this amendment to Redelegation of Authority No. 1, Revision 2, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 2, is amended to read as follows:

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization in Region III to act under section 39 of Ceiling Price Regulation 7, as amended.

This amendment to Redelegation of Authority No. 1, Revision 2, shall take effect as of February 9, 1953.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1705; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region III, Redelegation of Authority 55]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 88 (18 F. R. 613), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by the Regional Office.

This redelegation of authority shall take effect as of February 10, 1953.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1706; Filed, Feb. 17, 1953; 4:24 p. m.]

[Region V, Redelegation of Authority 22, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 5, Revision 1, Amendment 2, (18 F. R. 706) this Amendment 2 to Redelegation of Authority No. 22 is hereby issued.

Paragraph 1 of Redelegation of Authority No. 22, as amended by Amendment 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act under section 39 of CPR 7, as amended.

This Amendment 2 to Redelegation of Authority No. 22 shall take effect as of on February 6, 1953.

G. ELLIOTT HAGAN,
Acting Director of Regional Office V.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1707; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region V, Redelegation of Authority 24, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICE ADJUSTMENTS PURSUANT TO SECTION 91 OF CPR 117, REV. 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 52, Revision 1, as amended (17 F. R. 5618; 18 F. R. 747) this Amendment 1 to Redelegation of Authority No. 24, Revision 1, is hereby issued.

Redelegation of Authority No. 24, Revision 1, section 1, is amended to read as follows:

SECTION 1. To act, by order, on all applications under the provisions of sections 36, 53, and 91 of Ceiling Price Regulation 117, Revision 1.

This Amendment 1 to Redelegation of Authority No. 24, Revision 1, shall take effect as of February 10, 1953.

G. ELLIOTT HAGAN,
Acting Director of Regional Office V.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1708; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region V, Redelegation of Authority 60]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40—ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 88 (18 F. R. 613) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office to this Regional Office and by this Regional Office to said District Offices.

This redelegation of authority shall take effect as of February 5, 1953.

CHARLES B. CLEMENT,
Director of Regional Office V.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1709; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region X, Redelegation of Authority 1, Revision 1, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 5, Revision 1, Amendment 2 (18 F. R. 706), this Amendment 2 to Region X Redelegation of Authority No. 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act under section 39 of Ceiling Price Regulation 7, as amended.

This Amendment 2 to Redelegation of Authority No. 1 shall take effect as of February 9, 1953.

B. FRANK WHITE,
Director of Regional Office No. X.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1710; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region XI, Redelegation of Authority 27, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7 AS AMENDED, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 5, Revision 1 (17 F. R. 98), and Amendment 2 thereto (18 F. R. 706), this Revision 1 to Redelegation of Authority No. 27 as amended is hereby issued.

1. *Authority to act under Section 39 of CPR 7.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to act under section 39 of Ceiling Price Regulation 7, as amended.

This revision of Redelegation of Authority 27 shall take effect as of February 6, 1953.

DELBERT M. DRAPER,
Regional Director.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1711; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region XIII, Redelegation of Authority 1, Revision 3]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 5, Revision 1, as amended (18 F. R. 706), this Revision to Redelegation of Authority No. 1, Revision 2 is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to act under section 39 of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall become effective as of February 13, 1953.

HAROLD WALSH,
Regional Director, Region XIII, Office of Price Stabilization.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1712; Filed, Feb. 17, 1953; 4:25 p. m.]

[Region XIII, Redelegation of Authority 46]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 88 (18 F. R. 613), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office and by the Regional Office.

This redelegation of authority shall become effective as of February 12, 1953.

HAROLD WALSH,
Regional Director, Region XIII, Office of Price Stabilization.

FEBRUARY 17, 1953.

[F. R. Doc. 53-1713; Filed, Feb. 17, 1953; 4:25 p. m.]

[Ceiling Price Regulation 9, Supplementary Regulation 3 Special Order No. 15]

WEMBLEY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of neckwear manufactured by Wembley, Inc., under the trade names "Wembley" and "Wembley Nor-East" in Alaska, Hawaii, and the Virgin Islands, on the basis of an application filed by Wembley, Inc. under Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale, in a territory or possession, of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 9.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to Supplementary Regulation 3 to Ceiling Price Regulation 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territories of Alaska, Hawaii, and the Virgin Islands of neckwear manufactured by Wembley, Inc., New Orleans 5, Louisiana, bearing the brand name "Wembley" and "Wembley Nor-East" are the retail prices listed in the application of Wembley, Inc., dated December 10, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than March 2, 1953, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____per_____{unit. dozen. etc.	Terms{net. percent EOM. etc. $_____

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS—CPR 9, SR 3
Ceiling Price $_____

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article either by him, by the wholesaler, or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date

of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on February 13, 1953.

EDWARD J. FRIEDLANDER,
Regional Director.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1604; Filed, Feb. 13, 1953; 11:16 a. m.]

[Ceiling Price Regulation 34, As Amended, Section 20 (c), Special Order 21, Amdt. 1]

CROWN ZELLERBACH CORP.

CLARIFICATION AND ADDITION OF LOGGING CONTRACTORS

Statement of considerations. This amendment clarifies the amount of the adjustment granted by Special Order 21 to the logging contractors named therein. It also adds to Special Order 21 the names of seven logging contractors supplying logging services to the Crown Zellerbach Corporation.

Simultaneously with the issuance of Special Order 21, the Office of Price Stabilization issued Special Order 22 which also granted a retroactive ceiling price adjustment to logging contractors doing business with the Crown Zellerbach Corporation. Some of the logging contractors receiving the adjustment authorized by Special Order 21 also received the adjustment authorized by Special Order 22; other logging contractors named in Special Order 21 were not named in Special Order 22. Accordingly, to harmonize the adjustments granted to these groups by Special Orders 21 and 22, the language of Special Order 21 is clarified by this amendment.

The reasons stated in the Statement of Considerations to Special Order 21 for the granting of the adjustment in the ceiling prices for logging services supplied to Crown Zellerbach by the logging contractors named in the Order are equally applicable to the logging contractors named in this amendment.

Amendatory provisions. Special Order 21 is amended as follows:

1. So much of Paragraph (a) of the section entitled "Special Provisions" which reads 'The ceiling prices for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, by the following logging contractors shall be increased by 2.42 percent over the ceiling prices under CPR 34 or Special Order 22 thereunder:" is changed to read as follows:

The ceiling prices established under CPR 34 by the following logging contractors for logging services supplied to Crown Zellerbach Corporation, Portland, Oregon, may be increased by 5.22 percent, subject to the limitation that those logging contractors named both in this Special Order and in Special Order 22 may increase their ceiling prices as adjusted under Special Order 22 by only 2.42 percent:

2. The names of the following logging contractors are added to the list of names set forth in paragraph (a) of the section entitled "Special Provisions":

Wilfred W. Merry, Molalla, Oreg.
W. D. Gresham, Molalla, Oreg.
W. A. Parmer, Route 1, Rainier, Oreg.
Frank E. Serafin, Vernonia, Oreg.
Sam C. Devine, Mist Route, Vernonia, Oreg.
H. C. Owens, Rainier, Oreg.
Wm. L. Roberts, Rainier, Oreg.

Effective date. This order shall become effective February 12, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1606; Filed, Feb. 13, 1953; 11:17 a. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 27]

GENERAL MOTORS CORP.

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED FEBRUARY 2, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to flat rate time allowances for 1953 Model Accessories Bulletin C-1 of General Motors for approval for flat rate time allowance.

The Director of Price Stabilization has determined from the data submitted by General Motors Corporation approval of flat rate time allowances for 1953 Model Accessories Bulletin C-1 that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval of flat rate time allowances for 1953 Model Accessories Bulletin C-1 dated February 2, 1953 as covered in the General Motors application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 13, 1953 by Special Order No. 27 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 13, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 12, 1953.

[F. R. Doc. 53-1605; Filed, Feb. 13, 1953; 11:17 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6337, E-6340, E-6370, IT-5971, IT-6056]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER EXTENDING DATE OF EXPIRATION

FEBRUARY 16, 1953.

In the matters of Department of the Interior and Southwestern Power Administration; Docket Nos. IT-5971, IT-6056, E-6337, E-6340 and E-6370.

Notice is hereby given that on February 13, 1953, the Federal Power Commission issued its order entered February 13, 1953, in the above-entitled matters, extending confirmation and approval of rate schedules, which expire February 13, 1953, be and the same are hereby extended for a period of sixty (60) days from the present date of expiration of each such order.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1683; Filed, Feb. 19, 1953; 8:48 a. m.]

[Docket No. G-1277, G-2015, G-2114]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 12, 1953.

In the matters of Transcontinental Gas Pipe Line Corporation, Mid-Georgia Natural Gas Co., City of Covington, Georgia, Docket No. G-1277; Docket No. G-2015; Docket No. G-2114.

On July 28, 1952, Mid-Georgia Natural Gas Co. (Applicant a Georgia corporation having its principal place of business in Atlanta, Georgia, filed an application and supplements thereto on October 27, 1952, and January 12, 1953, for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a town-border station located on Transcontinental Gas Pipe Line Corporation's (Transcontinental) main line which passes between Conyers and Porterdale, Georgia, and pipe lines which will extend from such border station through the several Georgia communities to be served, namely Conyers, Porterdale, Covington, and Oxford, and their environs, all as more fully described in the application on file with the Commission and open to public inspection.

Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on August 15, 1952 (17 F. R. 7439).

On December 9, 1952, Transcontinental, a Delaware corporation having its principal place of business at Houston, Texas, filed a "Petition For Amendment of Order Issuing Certificate of Public Convenience and Necessity", by which it requests the Commission to amend its order issued April 28, 1950, accompanying Opinion No. 191 in Docket No. G-

1277, whereby the Commission authorized Transcontinental to sell and deliver to Newton County Gas Company 1,876 Mcf of natural gas per day, by substituting the name of the Mid-Georgia Gas Company for Newton County Gas Company to assure continued deliveries of natural gas to the area served by Mid-Georgia's predecessor, Newton County Gas Company, all as more fully described in its petition on file with the Commission and open to public inspection.

Notice of filing of the petition has been given including publication in the FEDERAL REGISTER on January 15, 1953 (18 F. R. 339). Transcontinental has requested that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

On January 22, 1952, the City of Covington, Georgia (Applicant), a municipal corporation organized and existing by virtue of the laws of the State of Georgia, filed an application for an order pursuant to Section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with Applicant's proposed natural-gas distribution system and to sell natural gas to Applicant for local distribution in the community of Covington and in the adjacent area thereto, all as more fully described in the application on file with the Commission and open to public inspection.

In its application, the City of Covington asserts that the franchises held by the Newton County Gas Co., which were executed by Covington and Oxford in favor of the aforementioned company, were conditioned upon that company's commencing construction within one year from the date that natural gas was made available to it by Transcontinental. Due to the failure of Newton County Gas Co.'s failure to comply with said condition, the City of Covington states that the franchises have expired and will not be renewed.

Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER, on February 6, 1953 (18 F. R. 778).

On August 28, 1952, and January 22, 1953, petitions to intervene were filed by the Cities of Covington and Oxford, Georgia, in Docket Nos. G–1277 and G–2015. By orders adopted January 27, 1953 and February 10, 1953, the Cities of Covington and Oxford, Georgia were permitted to intervene in Docket Nos. G–1277 and G–2015.

The Commission finds:

(1) Good cause has not been shown for granting Transcontinental's request that its petition be heard under the shortened procedure as provided by the Commission's rules of practice and procedure.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the proceedings in Docket Nos. G–1277, limited to Transcontinental's petition to amend, G–2015, and G–2114, be consolidated for purpose of hearing.

The Commission orders:

(A) The request made by Transcontinental Gas Pipe Line Corporation that its petition be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) The proceedings upon Trancontinental's petition to amend in Docket No. G–1277, and in Docket Nos. G–2015 and G–2114 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 9, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the petition and applications herein.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 16, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1685; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G–1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING DATE FOR COMPLETION OF FACILITIES FOR NATURAL GAS SERVICE TO CHILDERSBURG, ALA.

FEBRUARY 16, 1953.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February 12, 1953, amending order of May 18, 1950 (15 F. R. 3296), as amended by order of October 30, 1951 (16 F. R. 11315), issuing certificate of public convenience and necessity in the above-entitled matter by extending to January 1, 1954, the date for completion of facilities for natural gas service to Childersburg, Alabama.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1680; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G–1435]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING DATE FOR COMPLETION OF FACILITIES FOR NATURAL GAS SERVICE TO HOKES BLUFF, ALA.

FEBRUARY 16, 1953.

Notice is hereby given that on February 12, 1953, the Federal Power Commission issued its order entered February 12, 1953, amending order of March 15, 1951 (16 F. R. 2666), as amended by order of October 30, 1951 (16 F. R. 11315), issuing certificate of public convenience and necessity in the above-entitled matter by extending to December 31, 1953, the date for completion of facilities for natural gas service to Hokes Bluff, Alabama.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1681; Filed, Feb. 19, 1953; 8:47 a. m.]

[Docket No. G–1814]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF ORDER ALLOWING TARIFF SHEETS TO TAKE EFFECT AND TERMINATING PROCEEDINGS

FEBRUARY 16, 1953.

Notice is hereby given that on February 13, 1953, the Federal Power Commission issued its order entered February 12, 1953, allowing tariff sheets to take effect, and terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1682; Filed, Feb. 19, 1953; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

FEBRUARY 16, 1953.

Notice is hereby given that on November 21, 1952, the Federal Power Commission issued its order entered November 18, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1684; Filed, Feb. 19, 1953; 8:48 a. m.]

[Project No. 2096]

BIG HORN CANYON IRRIGATION AND POWER CO.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 13, 1953.

Notice is hereby given that the hearing in the above-designated matter, now scheduled for February 24, 1953, be and it is hereby continued to April 28, 1953, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1679; Filed, Feb. 19, 1953; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTION OF AGENCY AND PROGRAMS

Section IV, *Special delegations of authority*, is amended as follows:

Effective December 8, 1952, paragraph f delegating authority to Arthur B. Howell, Realty Officer, San Diego, California, to dispose of Linda Vista Project Cal-4092, is hereby revoked.

Date approved: February 11, 1953.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 53-1677; Filed, Feb. 19, 1953; 8:46 a. m.]

SPECIAL DELEGATIONS OF AUTHORITY

DESCRIPTIONS OF AGENCY AND PROGRAMS

Section IV, *Special delegations of authority*, is amended as follows:

Paragraph f is added to section IV, as follows:

f. In connection with the disposition of projects listed below, Leo I. O'Brien, Realty Officer, San Diego, California, is hereby delegated the authority (to be held concurrently with the authority previously delegated to the San Francisco Field Office Director) to exercise all the functions of a supervising or contracting officer with respect to all contracts for professional services, planning and construction of improvements, subdivision maps, deeds, permits, easements, lease agreements, disposition, sales and other similar pertinent documents, and to execute on behalf of the PHA:

(a) Contracts of sale, removal or demolition, deeds and transfer documents (other than documents relating to transfers of jurisdiction without reimbursement to other Federal agencies);

(b) Lease cancellations, revisions, and settlements;

(c) Dedications, licenses, permits, and easements;

(d) Contracts with brokers, or others for management and disposition;

(e) Contracts for the services of surveyors and appraisers;

(f) Contracts for advertisements in connection with the disposition of the project or any part thereof; and

(g) All documents necessary to accomplish the transfer, relinquishment, sale, or other disposition of the project or any part thereof including its annexation by a political subdivision.

Cal-4040N	San Diego.
Cal-4092	Do.
Cal-4095B	Do.
Cal-4096	Do.
Cal-4097	Do.
Cal-4099	Chula Vista.
Cal-4151	San Diego.
Cal-4251	Do.
Cal-4252	Chula Vista.
Cal-4253	San Diego.
Cal-4254	Do.
Cal-4255	Do.
Cal-4256	Do.
Cal-4257	Do.
Cal-4258	National City.
Cal-4259	Chula Vista.
Cal-4461	San Diego.
Cal-4462	National City.
Cal-4491	Fallbrook.
Cal-4663	Oceanside.
Cal-4677	San Diego.
Cal-4678	National City.
Cal-4679	San Diego.
Cal-4700	Chula Vista.
Cal-4735	Coronado.
Cal-4737	San Diego.
Cal-4738	Do.
Cal-4782	Do.
Cal-4797	Do.
Cal-4798	Do.
Cal-4852	Oceanside.
Cal-4853	Do.
Cal-4901N	Coronado.
Cal-4902N	San Diego.
Cal-4917N	Do.
Cal-4990N	Fallbrook.
Cal-4996N	San Diego.
Cal-4997N	Do.

Date approved: February 11, 1953.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 53-1678; Filed, Feb. 19, 1953; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2987]

NIAGARA MOHAWK POWER CORP.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF COMMON STOCK AT COMPETITIVE BIDDING

FEBRUARY 16, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which The United Corporation, a registered holding company, owned, as of January 15, 1953, 9.48 percent of the outstanding voting securities, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Niagara Mohawk, pursuant to the competitive bidding requirements of Rule U-50, of $25,000,000 principal amount of General Mortgage Bonds, __ percent Series, due February 1983 and 1,000,000 shares of its common capital stock without par value; and

The Commission having, by order dated February 9, 1953, granted said application, as amended, subject to the conditions, among others, that the proposed sale of bonds and common stock shall not be consummated until the results of competitive bidding and a final order of the Public Service Commission of the State of New York approving the issue and sale of said bonds and stock shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed transactions; and

Niagara Mohawk having on February 16, 1953, filed a further amendment to said application in which it is stated that it has offered the common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

COMMON STOCK	*Price per share to Niagara Mohawk*
Bidding group headed by:	
Merrill Lynch, Pierce, Fenner & Beane	$26.939
Morgan Stanley & Co	26.910

The amendment further stating Niagara Mohawk has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane for the common stock as set forth above and that the common stock will be offered to the public at a price of $27.50 per share, resulting in an underwriters' spread of $0.561 per share; and

The Public Service Commission of the State of New York having entered its Order dated February 5, 1953, approving the issue and sale of the common stock subject to conditions subsequent which have been satisfied, and the record not having been completed with respect to the fees and expenses to be incurred in connection with the proposed sale of common stock, which under the order of the State Commission may not exceed $115,000 for the common stock; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the common stock, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said common stock be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over the results of competitive bidding with respect to the bonds be, and hereby is, continued.

It is further ordered, That jurisdiction heretofore reserved over the payment of all fees and expenses be, and hereby is, continued.

By the Commission,

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1699; Filed, Feb. 19, 1953; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

Secretary of Defense

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF ALABAMA POWER CO. FOR AUTHORITY TO INCREASE ELECTRIC RATES

Application of Alabama Power Company for authority to increase electric rates, Alabama Public Service Commission; Docket Nos. 13260 and 13263.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as

amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Alabama Power Company for Authority to Increase Electric Rates, Docket Nos. 13260 and 13263, before the Alabama Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: February 17, 1953.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 53–1736; Filed, Feb. 18, 1953; 2:56 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19180]

A. W. FABER-CASTELL BLEISTIFTFABRIK A. G. AND BLEISTIFTFABRIK VORM. JOHANN FABER A. G.

In re: Debts due A. W. Faber-Castell Bleistiftfabrik A. G. and Bleistiftfabrik vorm. Johann Faber A. G.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That A. W. Faber Castell-Bleistiftfabrik A. G. of Germany, also known as A. W. Faber-Castell Bleistiftfabrik, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That Bleistiftfabrik vorm. Johann Faber A. G., of Germany is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) That certain debt or other obligation of A. W. Faber-Castell Pencil Company, Inc. (formerly A. W. Faber, Inc.) of Newark, New Jersey, to A. W. Faber-Castell-Bleistiftfabrik A. G. (or A. W. Faber-Castell Bleistiftfabrik), consisting of all unpaid monies or commissions which accrued prior to January 1, 1947 on account of the export by A. W. Faber-Castell Pencil Company, Inc. (formerly A. W. Faber, Inc.) of erasers, rubber bands or other items,

(b) All other debts, obligations or monies, if any, which accrued prior to January 1, 1947 and are due and owing by A. W. Faber-Castell Pencil Co., Inc. (formerly A. W. Faber, Inc.) of Newark, New Jersey, to A. W. Faber-Castell Bleistiftfabrik A. G. (or A. W. Faber-Castell Bleistiftfabrik) or Bleistiftfabrik vorm. Johann Faber, A. G.,

is, to the extent not heretofore vested, property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by A. W. Faber Castell-Bleistiftfabrik A. G. (or A. W. Faber-Castell Bleistiftfabrik) or Bleistiftfabrik, vorm Johann Faber A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 11, 1953.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 53–1696; Filed, Feb. 19, 1953; 8:50 a. m.]

[Vesting Order 17607, Amdt.]

UNION BANK OF SWITZERLAND

In re: Accounts maintained in the name of Union Bank of Switzerland or Union de Banques Suisse, Zurich, Switzerland, and owned by persons whose names are unknown. F–63–139 (Zurich).

Vesting Order 17607, dated March 30, 1951, is hereby amended as follows and not otherwise: By adding to column III of Exhibit A attached thereto and by reference made a part thereof opposite item No. 7 appearing in column I of said Exhibit A the following:

One $1,000 Republic of Chile External Sinking Fund Dollar Bond dated January 1, 1948, due December 31, 1993, No. 90762, which, according to the information submitted by the J. Henry Schroder Banking Corporation in its report on Form OAP–700 bearing its serial No. 17 and in its letter of July 9, 1951, is the property of persons residing in Hungary.

All other provisions of said Vesting Order 17607 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 53–1697; Filed, Feb. 19, 1953; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27805]

IRON AND STEEL ARTICLES FROM MIDDLETOWN, OHIO, TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4527, pursuant to fourth-section order No. 16101.

Commodities involved: Iron or steel articles, carloads.

From: Middletown, Ohio.

To: New Orleans, La.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1673; Filed, Feb. 19, 1953; 8:45 a. m.]

[4th Sec. Application 27806]

BARN EQUIPMENT FROM HARVARD, ILL., TO ALBANY, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Barn equipment, viz: door hangers and parts, hay carriers, pulleys, tracks, stable and manger supplies and equipment, mixed carloads.

From: Harvard, Ill.

To: Albany, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1674; Filed, Feb. 19, 1953; 8:45 a. m.]

[4th Sec. Application 27807]

MOTOR FUEL FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO DELAWARE, NEW JERSEY, AND PENNSYLVANIA

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 413.

Commodities involved: Motor fuel anti-knock compounds, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Claymont, Del., Jersey City, N. J., Philadelphia, Pa., and other named Delaware, New Jersey, and Pennsylvania points.

Grounds for relief: Competition with rail and water carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1675; Filed, Feb. 19, 1953; 8:46 a. m.]

[4th Sec. Application 27808]

SAND FROM VINCENNES, IND., TO ERNST AND WEST UNION, ILL.

APPLICATION FOR RELIEF

FEBRUARY 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to the schedule listed below.

Commodities involved: Sand, other than blast, etc., carloads.

From: Vincennes, Ind.

To: Ernst and West Union, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 1198, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1676; Filed, Feb. 19, 1953; 8:46 a. m.]

THE NATIONAL ARCHIVES
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OF THE UNITED STATES 1934

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Washington, Saturday, February 21, 1953

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 473]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.580 *Lemon Regulation 473*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 18, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 22, 1953, and ending at 12:01 a. m., P. s. t., March 1, 1953, is hereby fixed as follows:

(i) District 1: 15 carloads;

(ii) District 2: 310 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

(Continued on next page)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Army Department
Rules and regulations:
Army Reserve; appointment of Reserve Commissioned Officers of the Army for assignment to Army Medical Service Branches 1036

Civil Aeronautics Board
Notices:
Hearings, etc.:
South Pacific Air Lines 1048
Texas local service case 1048

Defense Department
See Army Department.

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Civil Defense Administration
Notices:
Regional Directors and Acting Regional Directors; delegation of natural disaster authority and functions 1048
Rules and regulations:
Contributions for civil defense equipment; amount of Federal contribution; Federal and State procurement 1040

Federal Power Commission
Notices:
Hearings, etc.:
California Electric Power Co. 1048
Central Vermont Public Service Corp 1048
Ohio Fuel Gas Co 1049
Piedmont Natural Gas Co., Inc 1049
Ramsey, H. Nedwill, et al 1049

Internal Revenue Bureau
Rules and regulations:
Income and excess profits tax; taxable years beginning after December 31, 1941, and ending after June 30, 1950, respectively; taxability of life insurance companies 1035
Income tax; taxable years beginning after December 31, 1941; miscellaneous amendments 1029

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

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CONTENTS—Continued

Interstate Commerce Commission Page
Notices:
Specialized Motor Carriers Assn.; application for approval of agreement 1050
Proposed rule making:
New Orleans, La., commercial zone; revision of definition of boundary 1046
Rules and regulations:
Reports; annual report form prescribed for maritime carriers 1043

Justice Department
Notices:
Claims Division changed to Civil Division 1046

Labor Department
See Public Contracts Division; Wage and Hour Division.

Post Office Department
Rules and regulations:
International postal service: Postage rates, service available, and instructions for mailing; miscellaneous amendments 1042

Post Office Department—Con. Page
Rules and regulations—Continued
Provisions applicable to the several classes of mail mater; nonmailable articles and compositions; bees 1042

Price Stabilization, Office of
Rules and regulations:
Automobiles, new passenger; pricing new products; tooling costs (CPR 1) 1040
Beryllium copper master alloy, ceiling price of; correction (GCPR, SR 133) 1041
Territorial exemptions; exemptions in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico (GOR 23) 1041

Production and Marketing Administration
Proposed rule making:
Milk handling in Tulsa and Muskogee, Okla. (2 documents) 1043, 1044
Rules and regulations:
Limitations of shipments:
Grapefruit grown in Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of San Gorgonio Pass 1029
Lemons grown in California and Arizona 1027

Public Contracts Division
Notices:
Employment of handicapped clients by sheltered workshops; issuance of special certificates 1046

Securities and Exchange Commission
Notices:
Hearings, etc.:
Glantz, Harry 1049
Mulligan, Robert A 1049

Treasury Department
See also Internal Revenue Bureau.
Notices:
American Aviation & General Insurance Co., Reading, Pa.; surety companies acceptable on Federal bonds 1047

Wage and Hour Division
Proposed rule making:
Industries of a seasonal nature 1044

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page
Chapter IX:
Part 906 (proposed) (2 documents) 1043, 1044
Part 929 (proposed) (2 documents) 1043, 1044
Part 953 1027
Part 955 1029

CODIFICATION GUIDE—Con.

Title 26 Page
Chapter I:
Part 29 (2 documents) 1029, 1035
Part 40 1035

Title 29
Chapter V:
Part 526 (proposed) 1044

Title 32
Chapter V:
Part 561 1036
Chapter XVII:
Part 1701 1040

Title 32A
Chapter III (OPS):
CPR 1 1040
CPR 34, TSR 2 (see GOR 23) 1041
CPR 44 (see GOR 23) 1041
CPR 50 (see GOR 23) 1041
CPR 128 (see GOR 23) 1041
CPR 143 (see GOR 23) 1041
CPR 154 (see GOR 23) 1041
GCPR, SR 133 1041
GOR 23 1041

Title 39
Chapter I:
Part 35 1042
Part 127 1042

Title 49
Chapter I:
Part 170 (proposed) 1046
Part 301 1043

PRORATE BASE SCHEDULE

[Storage date: Feb. 15, 1953]

DISTRICT NO. 1

[12:01 a. m. Feb. 22, 1953, to 12:01 a. m. Mar. 8, 1953]

Handler	*Prorate base (percent)*
Total	100.000
Klink Citrus Association	36.066
Lemon Cove Association	23.949
Tulare County Lemon & Grapefruit Association	39.173
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	.812
Zaninovich Bros., Inc.	.000

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.637
American Fruit Growers, Inc., Fullerton	.848
American Fruit Growers, Inc., Upland	.509
Consolidated Lemon Co.	1.414
Hazeltine Packing Co.	.914
Ventura Coastal Lemon Co.	2.901
Ventura Pacific Co.	2.780
Glendora Lemon Growers Association	2.403
La Verne Lemon Association	.715
La Habra Citrus Association	.693
Yorba Linda Citrus Association, The	.265
Escondido Lemon Association	4.532
Cucamonga Mesa Growers	2.779
Etiwanda Citrus Fruit Association	.477
San Dimas Lemon Association	1.384
Upland Lemon Growers Association	6.792
Central Lemon Association	.462
Irvine Citrus Association	.429
Placentia Mutual Orange Association	.984
Corona Citrus Association	.678
Corona Foothill Lemon Co.	2.237
Jameson Co.	1.345

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Arlington Heights Citrus Co	1.239
College Heights Orange & Lemon Association	3.613
Chula Vista Citrus Association, The	.584
Escondido Cooperative Citrus Association	.341
Fallbrook Citrus Association	2.258
Lemon Grove Citrus Association	.577
Carpinteria Lemon Association	1.975
Carpinteria Mutual Citrus Association	2.102
Goleta Lemon Association	4.338
Johnston Fruit Co	5.420
North Whittier Heights Citrus Association	.792
San Fernando Heights Lemon Association	5.523
Sierra Madre-Lamanda Citrus Association	1.221
Briggs Lemon Association	1.271
Culbertson Lemon Association	.791
Fillmore Lemon Association	.963
Oxnard Citrus Association	4.332
Rancho Sespe	.566
Santa Clara Lemon Association	3.521
Santa Paula Citrus Fruit Association	1.771
Saticoy Lemon Association	2.559
Seaboard Lemon Association	3.944
Somis Lemon Association	2.938
Ventura Citrus Association	.782
Ventura County Citrus Association	.662
Limoneira Co	1.238
Teague-McKevett Association	.384
East Whittier Citrus Association	.575
Murphy Ranch Co	.777
Chula Vista Mutual Lemon Association	.689
Index Mutual Association	.386
La Verne Cooperative Citrus Association	2.732
Ventura County Orange & Lemon Association	2.195
Dunning Ranch	.000
Far West Produce Distributors	.016
Huarte, Joseph, D	.012
Latimer, Harold	.040
Paramount Citrus Association, Inc	.652
Santa Rosa Lemon Co	.037
Torn Ranch	.006

[F. R. Doc. 53-1789; Filed, Feb. 20, 1953; 8:45 a. m.]

[Grapefruit Reg. 89]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.350 *Grapefruit Regulation 89*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 22, 1953. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 19, 1952, and will so continue until February 22, 1953; the recommendation and supporting information for continued regulation subsequent to February 21, 1953, was promptly submitted to the Department after an open meeting of the Administrative Committee on February 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period set forth in paragraph (b) so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 22, 1953, and ending at 12:01 a. m., P. s. t., March 29, 1953, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 $^{6}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 $^{6}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3 $^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 $^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 $^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 $^{10}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1754; Filed, Feb. 20, 1953; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5991, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

On December 20, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by section 318 of the Revenue Act of 1951, approved October 20, 1951, by Public Law 251 (82d Congress), approved October 31, 1951, and by Public Law 567 (82d Congress), approved July 16, 1952, was published in the FEDERAL REGISTER (17 F. R. 11657). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed the amendments set forth below are hereby adopted. Such amendments are necessary in order to conform Regulations 111 (26 CFR Part 29) to section 318 of the Revenue Act of 1951, to Public Law 251 (82d Congress), and to Public Law 567 (82d Congress).

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (f)-1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* (1) Section 112 (f) (relating to involuntary conversions) is hereby amended by adding at the end

thereof the following: "This subsection shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of the residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950."

* * * * *

PUBLIC LAW 251, 82D CONGRESS, APPROVED OCTOBER 31, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 112 (f) of the Internal Revenue Code (relating to involuntary conversions) is hereby amended to read as follows:

(f) *Involuntary conversion.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(1) *Conversion into similar property.* Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(2) *Conversion into money where disposition occurred prior to 1951.* Into money, and the disposition of the converted property occurred before January 1, 1951, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of this paragraph and paragraph (3), the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(3) *Conversion into money where disposition occurred after 1950.* Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (2)) occurred after December 31, 1950, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph:

(A) *Nonrecognition of gain.* If the taxpayer during the period specified in subparagraph (B), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Secretary may by regulations prescribe. For the purposes of this paragraph—

(i) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(ii) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of section 113 (a) (9), the unadjusted basis of such property or stock would be its cost within the meaning of section 113 (a).

(B) *Period within which property must be replaced.* The period referred to in subparagraph (A) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(i) One year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(ii) Subject to such terms and conditions as may be specified by the Secretary, at the close of such later date as the Secretary may designate upon application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary may by regulations prescribe.

(C) *Time for assessment of deficiency attributable to gain upon conversion.* If a taxpayer has made the election provided in subparagraph (A), then (i) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain upon such conversion is realized, attributable to such gain shall not expire prior to the expiration of three years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and (ii) such deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of section 272 (f) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

(D) *Time for assessment of other deficiencies attributable to election.* If the election provided in subparagraph (A) is made by the taxpayer and such other property or such stock was purchased prior to the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding the provisions of section 272 (f) or 275 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

This subsection shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950.

* * * * *

SEC. 3. The amendments made by the first two sections of this Act shall be applicable only with respect to taxable years ending after December 31, 1950, except that the provisions of section 112 (f) (3), and the provisions of section 113 (a) (9), of the Internal Revenue Code as amended by this Act shall also be applicable to any taxable year ending prior to January 1, 1951, in which (a) any gain was realized upon the conversion of property and the disposition of such converted property occurred (within the meaning of such section 112 (f) (3)) after December 31, 1950, or (b) the basis of property is affected by an election made under the provisions of section 112 (f) (3) of such code.

* * * * *

PAR. 2. Section 29.112 (f)–1 is hereby amended as follows:

(A) By changing the headnote thereof to read as follows: *Involuntary conversion where disposition of the converted property occurred prior to January 1, 1951.*

(B) By inserting immediately preceding paragraph (a) thereof the following: "This section applies only with respect to involuntary conversions where the disposition of the converted property occurred prior to January 1, 1951. The term 'disposition of the converted property' means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation. See § 29.112 (f)–3 if the disposition of the converted property occurred after December 31, 1950."

PAR. 3. Section 29.112 (f)–2 is hereby amended as follows:

(A) By changing the headnote thereof to read as follows: *Replacement funds where disposition of the converted property occurred prior to January 1, 1951.*

(B) By inserting immediately preceding the first paragraph thereof the following: "This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 29.112 (f)–1) occurred prior to January 1, 1951. See § 29.112 (f)–3 if the disposition of the converted property occurred after December 31, 1950."

PAR. 4. There is inserted immediately after § 29.112 (f)–2 the following new section:

§ 29.112 (f)–3 *Involuntary conversion where disposition of the converted property occurred after December 31, 1950*—(a) *In general.* This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 29.112 (f)–1) occurred after December 31, 1950. See § 29.112 (f)–1 and § 29.112 (f)–2 if the disposition of the converted property occurred prior to January 1, 1951. This section also applies only with respect to gains; losses from involuntary conversions are recognized or not recognized without regard to this section. This section shall not apply in the case of an involuntary conversion of property used by the taxpayer as his principal residence; see § 29.112 (n)–1. In the case of property used by the taxpayer partially as a principal residence and partially for other purposes, proper allocation shall be made and this section shall apply only with respect to the involuntary conversion of the portion used for other purposes.

(b) *Conversion into similar property.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted only into property similar or related in service or use to the property so converted, no gain shall be recognized. Such nonrecognition of gain is mandatory. If the conversion is, in whole or in part, into money or property not similar or related in service or use to the property so converted, see paragraph (c) of this section.

(c) *Conversion into money or into dissimilar property.* (1) If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence

thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, the gain, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized upon such conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or the cost of stock of a corporation owning such other property which is purchased by the taxpayer in the acquisition of control of such corporation, if the taxpayer purchased such other property, or such stock, for the purpose of replacing the property so converted and during the period specified in subparagraph (2) of this paragraph.

(2) All of the details in connection with an involuntary conversion of property at a gain (including those relating to the replacement of the converted property, or a decision not to replace, or the expiration of the period for replacement) shall be reported in the return for the taxable year or years in which any of such gain is realized. An election to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph shall be made by including such gain in gross income for such year or years only to such extent. If, at the time of filing such a return, the period within which the converted property must be replaced has expired, or if such an election is not desired, the gain should be included in gross income for such year or years in the regular manner. A failure to so include such gain in gross income in the regular manner shall be deemed to be an election by the taxpayer to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph even though the details in connection with the conversion are not reported in such return. If, after having made an election under section 112 (f) (3), the converted property is not replaced within the required period of time, or replacement is made at a cost lower than was anticipated at the time of the election, or a decision is made not to replace, the tax liability for the year or years for which the election was made shall be recomputed. Such recomputation should be in the form of an "amended return". If a decision is made to make an election under section 112 (f) (3) after the filing of the return and the payment of the tax for the year or years in which any of the gain on an involuntary conversion is realized and before the expiration of the period within which the converted property must be replaced, a claim for credit or refund for such year or years should be filed. If the replacement of the converted property occurs in a year or years in which none of the gain on the conversion is realized, all of the details in connection with such replacement shall be reported in the return for such year or years.

(3) The period referred to in subparagraph (2) of this paragraph is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of the one year after the close of the first taxable year in which any part of the gain upon the conversion is realized. Such application shall be made to the Commissioner, or to such person as he may designate, and shall contain all of the details in connection with the involuntary conversion. No extension of time shall be granted pursuant to such an application unless the taxpayer executes a bond, with such surety as the Commissioner may require, in an amount not in excess of twice the estimated additional income taxes (including interest, penalties, and additions to the tax) which would be payable if an election were not made under this section, and conditioned upon the replacement of the converted property within the extended period of time (including any subsequent extensions granted by the Commissioner or such person as he may designate), or the payment of the additional tax attributable to the gain on the conversion (including interest, penalties, and additions to the tax). Only surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds will be approved as sureties. See § 29.112 (f)–2 with respect to the depositing of bonds or notes of the United States in lieu of sureties.

(4) Property or stock purchased before the disposition of the converted property shall be considered to have been purchased for the purpose of replacing the converted property only if such property or stock is held by the taxpayer on the date of the disposition of the converted property. Property or stock shall be considered to have been purchased only if, but for the provisions of section 113 (a) (9), the unadjusted basis of such property or stock would be its cost to the taxpayer within the meaning of section 113 (a). If the taxpayer's unadjusted basis of the replacement property would be determined, in the absence of section 113 (a) (9), under any of the other numbered paragraphs of section 113 (a), the unadjusted basis of the property would not be its cost within the meaning of section 113 (a). For example, if property similar or related in service or use to the converted property is acquired by gift and its basis is determined under section 113 (a) (2), such property will not qualify as a replacement for the converted property.

(5) If a taxpayer makes an election under section 112 (f) (3), any deficiency, for any taxable year in which any part of the gain upon the conversion is realized, which is attributable to such gain may be assessed at any time prior to the expiration of three years from the date the officer with whom the return for such year has been filed is notified by the taxpayer of the replacement of the converted property or of an intention not to replace, or of a failure to replace, within the required period, notwithstanding the provisions of section 272 (f) or the provisions of any other law or rule of law which would otherwise prevent such assessment. If replacement has been made, such notification shall contain all of the details in connection with such replacement. Such notification should be made in the return for the taxable year or years in which the replacement occurs, or the intention not to replace is formed, or the period for replacement expires, if this return is filed with such officer. If this return is not filed with such officer, then such notification shall be made to such officer at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such officer prior to the filing of such return.

(6) If a taxpayer makes an election under section 112 (f) (3) and the replacement property or stock was purchased prior to the beginning of the last taxable year in which any part of the gain upon the conversion is realized, any deficiency, for any taxable year ending before such last taxable year, which is attributable to such election may be assessed at any time prior to the expiration of the period within which a deficiency for such last taxable year may be assessed, notwithstanding the provisions of section 272 (f) or 275 or the provisions of any law or rule of law which would otherwise prevent such assessment.

(7) If the taxpayer makes an election under section 112 (f) (3), the gain upon the conversion shall be recognized to the extent that the amount realized upon such conversion exceeds the cost of the replacement property or stock, regardless of whether such amount is realized in one or more taxable years.

(8) See § 29.112 (f)–1 as to when property is similar or related in service or use to other property, and as to the treatment of proceeds of a use and occupancy insurance contract and of special assessments.

PAR. 5. There is inserted immediately after § 29.112 (m)–4, as added by Treasury Decision 5374, approved May 25, 1944, the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Nonrecognition of gain in certain cases.* Section 112 (relating to recognition of gain or loss) is hereby amended by adding at the end thereof the following new subsection:

(n) *Gain from sale or exchange of residence*—(1) *Nonrecognition of gain.* If property (hereinafter in this subsection called "old residence") used by the taxpayer as his principal residence is sold by him and, within a period beginning one year prior to the date of such sale and ending one year after such date, property (hereinafter in this subsection called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence.

(2) *Rules for application of subsection.* For the purposes of this subsection:

(A) An exchange by the taxpayer of his residence for other property shall be considered as a sale of such residence, and the acquisition of a residence upon the exchange of property shall be considered as a purchase of such residence.

(B) If the taxpayer's residence (as a result of its destruction in whole or in part, theft, or seizure) is compulsorily or involuntarily converted into property or into money, such destruction, theft, or seizure shall be considered as a sale of the residence; and if the residence is so converted into property which is used by the taxpayer as his residence, such conversion shall be considered as a purchase of such property by the taxpayer.

(C) In the case of an exchange or conversion described in subparagraph (A) or (B), in determining the extent to which the selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence, the amount realized by the taxpayer upon such exchange or conversion shall be considered the selling price of the old residence.

(D) A residence any part of which was constructed or reconstructed by the taxpayer shall be considered as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in paragraph (1).

(E) If a residence is purchased by the taxpayer prior to the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him prior to the date of the sale of the old residence.

(F) If the taxpayer, during the period described in paragraph (1), purchases more than one residence which is used by him as his principal residence at some time within one year after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence. If within the one year referred to in the preceding sentence property used by the taxpayer as his principal residence is destroyed, stolen, seized, requisitioned, or condemned, or is sold or exchanged under threat or imminence thereof, then for the purposes of the preceding sentence such one year shall be considered as ending with the date of such destruction, theft, seizure, requisition, condemnation, sale, or exchange.

(G) In the case of a new residence the construction of which was commenced by the taxpayer prior to the expiration of one year after the date of the sale of the old residence, the period specified in paragraph (1), and the one year referred to in subparagraph (F) of this paragraph, shall be considered as including a period of 18 months beginning with the date of the sale of the old residence.

(3) *Limitation.* The provisions of paragraph (1) shall not be applicable with respect to the sale of the taxpayer's residence if within one year prior to the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of the provisions of paragraph (1). For the purposes of this paragraph, the destruction, theft, seizure, requisition, or condemnation of property or the sale or exchange of property under threat or imminence thereof, shall not be considered as a sale of such property.

(4) *Basis of new residence.* Where the purchase of a new residence results, under paragraph (1), in the nonrecognition of gain upon the sale of an old residence, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain not so recognized upon the sale of the old residence. For this purpose, the amount of the gain not so recognized upon the sale of the old residence includes only so much of such gain as is not recognized by reason of the cost, up to such time, of purchasing the new residence.

(5) *Tenant-stockholder in a cooperative apartment corporation.* For the purposes of this subsection, section 113 (b) (1) (K), and section 117 (h) (7), references to property used by the taxpayer as his principal residence, and references to the residence of a taxpayer, shall include stock held by a tenant-stockholder (as defined in section 23 (z) (2)) in a cooperative apartment (as defined in such section) if—

(A) In the case of stock sold, the apartment which the taxpayer was entitled to occupy as such stockholder was used by him as his principal residence, and

(B) In the case of stock purchased, the taxpayer used as his principal residence the apartment which he was entitled to occupy as such stockholder.

(6) *Husband and wife.* If the taxpayer and his spouse, in accordance with regulations which shall be prescribed by the Secretary pursuant to this paragraph, consent to the application of subparagraph (B) of this paragraph, then—

(A) For the purposes of this subsection, the words "taxpayer's selling price of the old residence" shall mean the selling price (of the taxpayer, or of the taxpayer and his spouse) of the old residence, and the words "taxpayer's cost of purchasing the new residence" shall mean the cost (to the taxpayer, his spouse, or both) of purchasing the new residence (whether held by the taxpayer, his spouse, or the taxpayer and his spouse); and

(B) So much of the gain upon the sale of the old residence as is not recognized solely by reason of this paragraph, and so much of the adjustment under paragraph (4) to the basis of the new residence as results solely from this paragraph, shall be allocated between the taxpayer and his spouse as provided in such regulations.

This paragraph shall apply only if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence. In case the taxpayer and his spouse do not consent to the application of subparagraph (B) of this paragraph, then the recognition of gain upon the sale of the old residence shall be determined under this subsection without regard to the rules provided in this paragraph.

(7) *Statute of limitations.* If the taxpayer during a taxable year sells at a gain property used by him as his principal residence, then—

(A) The statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire prior to the expiration of three years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

(i) The taxpayer's cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain,

(ii) The taxpayer's intention not to purchase a new residence within the period specified in paragraph (1), or

(iii) A failure to make such purchase within such period; and

(B) Such deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950, but the provisions of section 112 (n) (1) and (6) of the Internal Revenue Code shall apply only with respect to residences sold (within the meaning of such section) after such date.

PUBLIC LAW 567, 82D CONGRESS, APPROVED JULY 16, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 (n) of the Internal Revenue Code (relating to nonrecognition of gain from sale or exchange of residence) is hereby amended by adding at the end thereof the following new paragraph:

(8) *Members of Armed Forces.* The running of any period of time specified in paragraph (1) or (2) (other than the one year referred to in paragraph (2) (F)) of this subsection shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence and before January 1, 1954, except that any such period as so suspended shall not extend beyond the date four years after the date of the sale of the old residence. For the purpose of this paragraph, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of ninety days or for an indefinite period.

SEC. 2. The amendment made by the first section of this Act shall be applicable to taxable years ending after December 31, 1950, with respect to residences sold (within the meaning of section 112 (n) of the Internal Revenue Code) after such date.

* * * * *

§ 29.112 (n)–1 *Gain from sale or exchange of residence*—(a) *In general.* Gain from a sale after December 31, 1950, of property used by the taxpayer as his principal residence (referred to in this section as the "old residence") will not be recognized if the taxpayer within a period beginning one year prior to the date of such sale and ending one year after such date purchases property and uses it as his principal residence (referred to in this section as the "new residence") except to the extent that the taxpayer's selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence. In the case of a new residence the construction of which was commenced by the taxpayer at any time prior to the expiration of one year after the date of the sale of the old residence, the one year after the sale of the old residence referred to in the preceding sentence shall be considered as including a period of 18 months beginning with the date of the sale of the old residence. Such nonrecognition of gain is mandatory. This section applies only with respect to gains; losses from sales of property used by the taxpayer as his principal residence are recognized or not recognized without regard to this section.

(b) *Rules for application of section*—(1) *Property used by the taxpayer as his principal residence.* (i) Whether or not property is used by the taxpayer as his residence, and whether or not property is used by the taxpayer as his principal residence (in the case of a taxpayer using more than one property as a residence), depends upon all of the facts and circumstances in each individual case, including the bona fides of the taxpayer. The mere fact that property is, or has been, rented is not determinative that such property is not used

by the taxpayer as his principal residence. For example, if the taxpayer purchases his new residence before he sells his old residence, the fact that he temporarily rents out the new residence during the period before he vacates the old residence may not, in the light of all the facts and circumstances in the case, prevent the new residence from being considered as property used by the taxpayer as his principal residence. Property used by the taxpayer as his principal residence may include a houseboat, a house trailer, or stock held by a tenant-stockholder in a cooperative apartment corporation (as those terms are defined in section 23 (z) (2)), if the apartment which the taxpayer is entitled to occupy as such stockholder is used by him as his principal residence. Property used by the taxpayer as his principal residence does not include personal property such as a piece of furniture, a radio, etc., which, in accordance with the applicable local law, is not a fixture.

(ii) Where part of a property is used by the taxpayer as his principal residence and part is used for other purposes, an allocation must be made to determine the application of this section. If the old residence is used only partially for residential purposes, only that part of the gain allocable to the residential portion may be not recognized under this section and only an amount allocable to the selling price of such portion need be reinvested in the new residence in order to have the gain allocable to such portion not recognized under this section. If the new residence is used only partially for residential purposes, only so much of its cost as is allocable to the residential portion may be counted as the cost of purchasing the new residence.

(2) *Sale of residence.* For the purpose of this section, an exchange by the taxpayer of his residence for other property shall be considered as a sale of such residence. Also, if the taxpayer's residence (as a result of its destruction in whole or in part, theft, seizure, requisition or condemnation) is compulsorily or involuntarily converted into money or property, the destruction, theft, seizure, requisition or condemnation shall be considered as a sale of such residence.

(3) *Purchase of residence.* For the purpose of this section, the acquisition of a residence upon the exchange of property shall be considered as a purchase of such residence. Also, the acquisition of a residence upon the compulsory or involuntary conversion of the taxpayer's residence as the result of its destruction in whole or in part, theft, seizure, requisition or condemnation shall be considered to be a purchase of the residence. A residence any part of which was constructed or reconstructed by the taxpayer shall be considered as purchased by the taxpayer, but the mere improvement of a residence, not amounting to reconstruction, does not constitute a purchase of a residence.

(4) *Selling price of old residence.* The taxpayer's selling price of the old residence includes the amount of any mortgage, trust deed, or other indebtedness to which such property is subject in the hands of the purchaser whether or not the purchaser assumed such indebtedness. Such selling price also includes the face amount of any liabilities of the purchaser which are part of the consideration for the sale. Commissions and other selling expenses paid or incurred by the taxpayer on the sale of the old residence are not to be deducted or taken into account in determining such selling price. In the case of an exchange or conversion which is considered as a sale under this section, the amount realized by the taxpayer upon such exchange or conversion shall be considered to be the taxpayer's selling price of the old residence. As to what constitutes the amount realized, see § 29.111–1.

(5) *Cost of purchasing new residence.* The taxpayer's cost of purchasing the new residence also includes such indebtedness to which the property purchased is subject at the time of purchase whether or not assumed by the taxpayer (including purchase-money mortgages, etc.) and the face amount of any liabilities of the taxpayer which are part of the consideration for the purchase. Commissions and other purchasing expenses paid or incurred by the taxpayer on the purchase of the new residence are to be included in determining such cost. In the case of an acquisition of a residence upon an exchange or conversion which is considered as a purchase under this section, the fair market value of the new residence shall be considered as the taxpayer's cost of purchasing the new residence. The taxpayer's cost of purchasing the new residence includes only so much of such cost as is attributable to acquisition, construction, reconstruction, or improvements made within the two-year or 30 months period of time, as the case may be, in which the purchase and use of the new residence must be made in order to have gain on the sale of the old residence not recognized under this section. Such cost also includes only such amounts as are properly chargeable to capital account rather than to the current expense. As to what constitutes capital expenditures, see § 29.24–2. Where any part of the new residence is acquired by the taxpayer other than by purchase, the value of such part is not to be included in determining the taxpayer's cost of the new residence. For example, if the taxpayer acquires a residence by gift or inheritance, and spends $20,000 in reconstructing such residence, only such $20,000 may be treated as his cost of purchasing the new residence.

(6) *Selling price and cost of residence in the case of husband and wife.* (i) If the taxpayer and his spouse file the consent referred to in this subdivision, then the "taxpayer's selling price of the old residence" shall mean the taxpayer's or the taxpayer and his spouse's selling price of the old residence, and the "taxpayer's cost of purchasing the new residence" shall mean the cost to the taxpayer, or to his spouse, or to both of them, of purchasing the new residence, whether such new residence is held by the taxpayer, or his spouse, or both. Such consent may be filed only if the old residence and the new residence are each used by the taxpayer and his same spouse as their principal residence. If the taxpayer and his spouse do not file such a consent, the recognition of gain upon sale of the old residence shall be determined under this section without regard to the foregoing.

(ii) The consent referred to in subdivision (i) of this subparagraph is a consent by the taxpayer and his spouse to have the basis of the interest of either of them in the new residence reduced from what it would have been but for the filing of such consent by an amount by which the gain of either of them on the sale of his interest in the old residence is not recognized solely by reason of the filing of such consent. Such reduction in basis is applicable to the basis of the new residence, whether such basis is that of the husband, of the wife, or divided between them. If the basis is divided between the husband and wife, the reduction in basis shall be divided between them in the same proportion as the basis (determined without regard to such reduction) is divided between them. Such consent shall be filed with the officer with whom the return for the taxable year or years in which the gain from the sale of the old residence is realized has been filed. The following examples will illustrate the application of this rule:

Example (1). A taxpayer, in 1951, sells for $10,000 the principal residence of himself and his wife, which he owns individually and which has an adjusted basis to him of $5,000. Within a year after such sale he and his wife contribute $5,000 each from their separate funds for the purchase of their new principal residence which they hold as tenants in common, each owning an undivided one-half interest therein. If the taxpayer and his wife file the required consent, the gain of $5,000 upon the sale of the old residence will not be recognized to the taxpayer, and the adjusted basis of the taxpayer's interest in the new residence will be $2,500 and the adjusted basis of the taxpayer's wife's interest in such property will be $2,500.

Example (2). A taxpayer and his wife, in 1951, sell for $10,000 their principal residence, which they own as joint tenants and which has an adjusted basis of $2,500 to each of them ($5,000 together). Within a year after such sale, the wife spends $10,000 of her own funds in the purchase of a principal residence for herself and the taxpayer and takes title in her name only. If the taxpayer and his wife file the required consent, the adjusted basis to the wife of the new residence shall be $5,000, and the gain of the taxpayer of $2,500 upon the sale of the old residence will not be recognized. The wife, as a taxpayer herself, will have her gain of $2,500 on the sale of the old residence not recognized under the general rule.

(c) *Basis of new residence.* Where the purchase of a new residence results, under this section, in the nonrecognition of any part of the gain realized upon the sale of an old residence, then, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain which was not recognized upon the sale of the old residence. Such a reduction is not to be made for the purpose of determining the adjusted basis of the new residence as of any time preceding the sale of the old residence. For the purpose of this determination, the amount of the gain not recognized under this section upon the sale of the

old residence includes only so much of the gain as is not recognized because of the taxpayer's cost, up to the date of the determination of the adjusted basis, of purchasing the new residence. The following example will illustrate this rule:

Example (3). On January 1, 1951, the taxpayer buys a new residence for $10,000. On March 1, 1951, he sells for $15,000 his old residence which has an adjusted basis to him of $5,000. During April a wing is constructed on the new house at a cost of $5,000 and in May he builds a garage at a cost of $2,000. The adjusted basis of the new residence is $10,000 during January and February, $5,000 during March and April, and $7,000 following the completion of the construction in May.

(d) *Limitations on application of section.* If a residence is purchased by the taxpayer prior to the date of the sale of the old residence, the purchased residence shall, in no event, be treated as a new residence if such purchased residence is sold or otherwise disposed of by him prior to the date of the sale of the old residence. And, if the taxpayer, during the period within which the purchase and use of the new residence must be made in order to have any gain on the sale of the old residence not recognized under this section, purchases more than one property which is used by him as his principal residence during the one year (or 18 months in the case of the construction of the new residence) succeeding the date of the sale of the old residence, only the last of such properties shall be considered a new residence. However, if the taxpayer's new residence is destroyed, stolen, seized, requisitioned, condemned, or sold or exchanged under the threat or imminence of requisition or condemnation within such year (or 18 months) succeeding the sale of the old residence, then, for the purpose of the preceding sentence, such year (or 18 months) is deemed to end on the date of the destruction, theft, seizure, requisition, condemnation, sale, or exchange. If within one year prior to the date of the sale of the old residence, the taxpayer sold other property used by him as his principal residence at a gain, and any part of such gain was not recognized under this section, this section shall not apply with respect to the sale of the old residence. For the purpose of the preceding sentence, however, the destruction, theft, seizure, requisition, condemnation, or sale or exchange under threat or imminence of requisition or condemnation shall not be considered as a sale. The following example will illustrate these rules:

Example (4). A taxpayer sells his old residence on January 15, 1951, and purchases a new residence on February 15, 1951. On March 15, 1951, he sells the new residence and purchases a second new residence on April 15, 1951. The gain on the sale of the old residence on January 15, 1951, will not be recognized except to the extent to which the taxpayer's selling price of the old residence exceeds the cost of purchasing the second new residence purchased on April 15, 1951. Gain on the sale of the first new residence on March 15, 1951, will be recognized. If, instead of selling the first new residence on March 15, 1951, such residence had been destroyed by fire on that date and insurance proceeds in cash had been received as a result thereof, the gain on the sale of the old residence on January 15, 1951, will not be recognized except to the extent to which the taxpayer's selling price of the old residence exceeds his cost of purchasing the new residence purchased on February 15, 1951. And, the gain on the involuntary conversion by fire of the first new residence on March 15, 1951, will not be recognized except to the extent to which the amount realized from such conversion exceeds the taxpayer's cost of purchasing the second new residence purchased on April 15, 1951.

(e) *Statute of limitations.* (1) Whenever a taxpayer sells property used as his principal residence at a gain, the statutory period prescribed in section 275 for the assessment of any deficiency attributable to any part of such gain will not expire prior to the expiration of three years from the date the officer, with whom the return for the taxable year or years in which the gain from the sale of the old residence is realized has been filed, is notified by the taxpayer (i) of the cost of purchasing the new residence which the taxpayer claims results in the nonrecognition of any part of such gain, or (ii) of the taxpayer's intention not to, or failure to, purchase a new residence within the period when such a purchase will result in the nonrecognition of any part of such gain. Such a deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which might otherwise bar such assessment.

(2) Such notification shall be made in the return for the taxable year or years in which the purchase of the new residence occurs, or the intention not to make such a purchase is formed, or the period for the replacement expires if this return is filed with such officer. If this return is not filed with such officer, then such notification shall be made to such officer at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such officer prior to the filing of this return. Such notification shall contain all of the details in connection with the sale of the residence and, if applicable, the purchase of the new residence. If an intention not to replace is formed, or if the period for replacement expires, or if the cost of purchasing the new residence is less than the selling price of the old residence, the recognizable gain shall be included in the gross income for the taxable year or years in which such gain was realized; a recomputation in the form of an "amended return" should be made for this purpose if necessary.

(f) *Members of Armed Forces.* (1) The running of the one-year (or 18 months in the case of the construction of the new residence) period, specified in paragraph (a) of this section, after the sale of the old residence within which the purchase and use of a new residence may result in the nonrecognition of gain on such sale shall be suspended during any time that the taxpayer serves on extended active duty in the Armed Forces of the United States after the date of the sale of the old residence and before January 1, 1954. Any such period as so suspended, however, shall not extend beyond the date four years after the date of the sale of the old residence. For example, if the taxpayer is on extended active duty with the army from January 1, 1951, to December 31, 1953, and if he sold his old residence on January 1, 1951, the latest date on which the taxpayer may use a new residence constructed by him and have any part of the gain on the sale of the old residence not recognized under this section is January 1, 1955, the date four years after the date of the sale of the old residence.

(2) This suspension covers not only the Armed Forces service of the taxpayer but if the taxpayer and his same spouse used both the old and the new residences as their principal residence, then the extension applies in like manner to the time the taxpayer's spouse is on extended active duty with the Armed Forces of the United States.

(3) The time during which the running of the period is suspended is part of such period. Thus, construction costs during such time are includible in the cost of purchasing the new residence under paragraph (b) (5) of this section.

(4) The running of the one-year (or 18 month) periods referred to in paragraph (d) of this section is not suspended, nor is the running of the one-year period prior to the date of the sale of the old residence within which the new residence may be purchased in order to have gain on the sale of the old residence not recognized under this section.

(5) The term "extended active duty" means any period of active duty which is served pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period. If the call or order is for a period of more than 90 days, it is immaterial that the time served pursuant to such call or order is less than 90 days, if the reason for such shorter period of service occurs after the beginning of such duty. As to what constitutes active service as a member of the Armed Forces of the United States, see § 29.22 (b) (13)–2. As to who are members of the Armed Forces of the United States, see § 29.3797–11.

PAR. 6. There is inserted immediately preceding § 29.113 (a) (9)–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 113 (a) (9) (relating to basis of property acquired as a result of involuntary conversions) is hereby amended by adding at the end thereof the following: "This paragraph shall not apply in respect of property acquired as a result of a compulsory or involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950."

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PUBLIC LAW 251, 82D CONGRESS, APPROVED OCTOBER 31, 1951

* * * * *

SEC. 2. Paragraph (9) of section 113 (a) of the Internal Revenue Code (relating to unadjusted basis of property acquired as the result of an involuntary conversion) is hereby amended by striking out "section 112

(f)" and inserting in lieu thereof "section 112 (f) (1) or (2)", and by adding at the end of such paragraph the following new sentence: "In the case of property purchased by the taxpayer which resulted, under the provisions of section 112 (f) (3), in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs."

SEC. 3. The amendments made by the first two sections of this Act shall be applicable only with respect to taxable years ending after December 31, 1950, except that the provisions of section 112 (f) (3), and the provisions of section 113 (a) (9), of the Internal Revenue Code as amended by this Act shall also be applicable to any taxable year ending prior to January 1, 1951, in which (a) any gain was realized upon the conversion of property and the disposition of such converted property occurred (within the meaning of such section 112 (f) (3)) after December 31, 1950, or (b) the basis of property is affected by an election made under the provisions of section 112 (f) (3) of such code.

* * * * *

PAR. 7. Section 29.113 (a) (9)–1 is hereby amended as follows:

(A) By inserting immediately after the words "The provisions of" therein the following "the first sentence of", and by inserting after the word *"Example"* therein the following "*(1)*".

(B) By adding at the end thereof the following:

The provisions of the last sentence of section 113 (a) (9) may be illustrated by the following example:

Example (2). A taxpayer realizes $22,000 from the involuntary conversion of his barn; the adjusted basis of the barn to him was $10,000, and he spent $20,000 for a new barn which resulted in the nonrecognition of $10,000 of the $12,000 gain on the conversion. The unadjusted basis of the new barn to the taxpayer would be $10,000—the cost of the new barn ($20,000) less the amount of the gain not recognized on the conversion ($10,000). The unadjusted basis of the new barn would not be a substituted basis in the hands of the taxpayer within the meaning of section 113 (b) (2) (B) and § 29.113 (b) (2)–1. If the replacement of the converted barn had been made by the purchase of two smaller barns which, together, were similar or related in service or use to the converted barn and which cost $8,000 and $12,000, respectively, then the basis of the two barns would be $4,000 and $6,000, respectively, the cost of each barn ($8,000 and $12,000) less in each case the proportion of the gain not recognized on the conversion ($10,000) that the cost of each barn bears to the cost of both barns $\left(\frac{8,000}{20,000} \text{ and } \frac{12,000}{20,000}\right)$.

PAR. 8. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(3) Section 113 (b) (1) (relating to adjusted basis of property) is hereby amended by adding at the end thereof the following new subparagraph:

(K) In the case of a residence the acquisition of which resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized upon the sale, exchange, or involuntary conversion of another residence, to the extent provided in section 112 (n) (4).

* * * * *

PAR. 9. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5980, approved February 3, 1953, is hereby amended by adding at the end thereof the following new paragraph (k):

(k) For the adjustments to basis of a residence because its acquisition resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized upon the sale, exchange, or involuntary conversion of another residence, see § 29.112 (n)–1.

PAR. 10. There is inserted immediately preceding § 29.117–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(4) Section 117 (h) (relating to determination of holding period) is hereby amended by adding at the end thereof the following new paragraph:

(7) In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under section 112 (n) in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, there shall be included the period for which such other residence had been held as of the date of such sale, exchange, or involuntary conversion.

* * * * *

PAR. 11. Section 29.117–4 is hereby amended by adding at the end thereof the following new paragraph (d):

(d) The period for which the taxpayer has held a residence, the acquisition of which resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, shall include the period for which such other residence had been held as of the date of such sale, exchange, or involuntary conversion. See § 29.112 (n)–1.

PAR. 12. There is inserted immediately preceding § 29.275–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(5) Section 276 (relating to period of limitation upon assessment and collection) is hereby amended by adding at the end thereof the following:

(e) *Gain upon sale or exchange of residence.* In the case of a deficiency described in section 112 (n) (7), such deficiency may be assessed at any time prior to the expiration of the time therein provided.

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PUBLIC LAW 251, 82D CONGRESS
APPROVED OCTOBER 31, 1951

* * * * *

(b) Section 276 of the Internal Revenue Code (relating to period of limitation upon assessment and collection) is hereby amended by adding at the end thereof the following:

(f) *Involuntary conversion.* In the case of a deficiency described in section 112 (f) (3) (C) or (D), such deficiency may be assessed at any time prior to the expiration of the time therein provided.

* * * * *

PAR. 13. Section 29.275–1, as amended by Treasury Decision 5971, approved January 8, 1953, is hereby amended by inserting immediately preceding the last paragraph thereof the following:

(14) In the case of a deficiency described in section 112 (n) (7), such deficiency may be assessed at any time prior to the expiration of the time therein provided. See § 29.112 (n)–1.

(15) In the case of a deficiency described in section 112 (f) (3) (C) or (D), such deficiency may be assessed at any time prior to the expiration of the time therein provided. See § 29.112 (f)–3.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies sec. 112, 53 Stat. 37, as amended; 26 U. S. C. 112)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 17, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1741; Filed, Feb. 20, 1953; 8:50 a. m.]

[T. D. 5992, Regs. 111, 130]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TAXABILITY OF LIFE INSURANCE COMPANIES

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 130 (26 CFR Part 40) to Public Law 468, 82d Congress, approved July 8, 1952, relating to taxability of life insurance companies, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately before § 29.201–1 the following:

PUBLIC LAW 468, 82D CONGRESS, APPROVED JULY 8, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (a) (1) (relating to imposition of tax on life-insurance companies) of the Internal Revenue Code is hereby amended by adding after "1951" wherever it appears, "and 1952".

* * * * *

SEC. 2. The provisions of section 201 (f) * * * and sections 201 (a) (1) * * * of the Internal Revenue Code as amended by this Act shall be applicable to taxable years beginning in 1952.

PAR. 2. Section 29.201–1, as amended by Treasury Decision 5885, approved February 21, 1952, is further amended as follows:

(A) By inserting in the first sentence of paragraph (a) after the words "with respect to taxable years beginning in 1951" the words "and 1952".

(B) By changing the last sentence of paragraph (b) thereof to read as follows: "For computation of 1951 or 1952 adjusted normal-tax net income from the normal-tax net income for such year, see §§ 29.203a–1 and 29.203a–2."

PAR. 3. Section 29.201–5, as amended by Treasury Decision 5885, is further amended by changing in the second sentence thereof the words "in the case of taxable years beginning in 1951" to read as follows: "in the case of a taxable year beginning in 1951 or 1952".

PAR. 4. Section 29.201–6, as amended by Treasury Decision 5885, is further amended by inserting in the first sentence in lieu of the words "for taxable years beginning in 1951" the words "in the case of a taxable year beginning in 1951 or 1952".

PAR. 5. Section 29.202–2, as amended by Treasury Decision 5885, is further amended by changing the undesignated last paragraph thereof to read as follows:

In the case of a taxable year beginning in 1951 or 1952, an amount equal to eight times the amount of the applicable adjustment provided in the preceding paragraph must be added to normal-tax net income for such year as a factor in determining 1951 or 1952 adjusted normal-tax net income.

PAR. 6. There is inserted immediately preceding § 29.203a–1, as added by Treasury Decision 5885, the following:

PUBLIC LAW 468, 82D CONGRESS, APPROVED JULY 8, 1952

* * * * *

(b) Section 203A (relating to adjusted normal-tax net income of life-insurance companies) of the Internal Revenue Code is hereby amended by adding after "1951", wherever it appears, "and 1952".

* * * * *

SEC. 2. The provisions of section * * * 203A * * * of the Internal Revenue Code as amended by this Act shall be applicable to taxable years beginning in 1952.

PAR. 7. Section 29.203a–1, as added by Treasury Decision 5885, is amended to read as follows:

§ 29.203a–1 *Tax on life insurance companies in the case of a taxable year beginning in 1951 or 1952.* (a) Section 201 (a), as amended by section 336 of the Revenue Act of 1951 and Public Law 468 (82d Congress), provides that in the case of a taxable year beginning in 1951 or 1952, the tax imposed on a life insurance company for such year shall consist of a tax upon the 1951 adjusted normal-tax net income or the 1952 adjusted normal-tax net income of the company equal to 3¾ percent of the amount of such income not in excess of $200,000, plus 6½ percent of the amount of such income in excess of $200,000. The terms "1951 adjusted normal-tax net income" and "1952 adjusted normal-tax net income" mean the normal-tax net income (consisting of net income computed as provided in § 29.201–7 less the credit for partially tax-exempt interest allowed under section 26 (a) and less the credit for dividends received allowed under section 26 (b)) for the taxable year beginning in 1951 or 1952, as the case may be, plus eight times the amount of the adjustment for certain reserves computed as provided in section 202 (c) (see § 29.202–2), and minus the reserve interest credit, if any, provided in section 203A (b) (see § 29.203a–2). The reserve and other policy liability credit is not allowed for purposes of the computation of 1951 adjusted normal-tax net income or 1952 adjusted normal-tax net income.

(b) The tax imposed upon 1951 adjusted normal-tax net income or upon 1952 adjusted normal-tax net income, as the case may be, by section 201 (a) is in lieu of the tax on adjusted normal-tax net income and the tax on adjusted surtax net income imposed by section 201 (a) for taxable years other than taxable years beginning in 1951 and 1952.

PAR. 8. Section 29.203a–2, as added by Treasury Decision 5885, is amended by inserting after "1951" in the first sentence thereof the words "or 1952".

PAR. 9. There is inserted immediately preceding § 40.433 (a)–1 the following:

PUBLIC LAW 468, 82D CONGRESS, APPROVED JULY 8, 1952

* * * * *

(c) Section 433 (a) (1) (H) (relating to excess profits net income of life-insurance companies) of the Internal Revenue Code is hereby amended by adding after "1951", wherever it appears, "and 1952".

SEC. 2. The provisions of section * * * 433 (a) (1) (H) of the Internal Revenue Code as amended by this Act shall be applicable to taxable years beginning in 1952.

PAR. 10. Section 40.433 (a)–2 (h), as amended by Treasury Decision 5885, is further amended as follows:

(A) By inserting in the parenthetical phrase in the first sentence thereof after "1951" the following: "or 1952".

(B) By inserting in the parenthetical clause in the second sentence thereof after "1951" the following: "or 1952".

PAR. 11. Because this Treasury decision merely makes applicable for taxable years beginning in 1952 the same rules as are applicable for taxable years beginning in 1951 for determining the income and excess-profits tax liability of life insurance companies it is hereby found to be unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: February 17, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1740; Filed, Feb. 20, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

APPOINTMENT AS RESERVE COMMISSIONED OFFICERS OF THE ARMY FOR ASSIGNMENT TO ARMY MEDICAL SERVICE BRANCHES

Section 561.18 is revised to read as follows:

§ 561.18 *Appointment as Reserve Commissioned Officers of the Army for assignment to Army Medical Service branches*—(a) *Branches.* Applicants appointed under this section may be assigned to all branches that comprise the Army Medical Service, except that male applicants will not be assigned to the Army Nurse Corps and Women's Medical Specialist Corps branches. Paragraphs (g) to (l) of this section show specialties under each branch.

(b) *Grade for appointment and personnel eligible.* (1) Officers and former officers as indicated in subdivisions (i) and (ii) of this subparagraph, who have served satisfactorily in the corps and specialty for which they are applying (or its counterpart, if such service was performed in other than the Army) may be appointed in the highest grade (or comparable grade, if such service was performed in other than the Army) held in such corps, based on their prior service, or may be appointed in the highest grade for which they can qualify by education and experience as indicated in subparagraph (2) of this paragraph.

(i) Former officers of any of the Armed Forces of the United States, the Coast Guard and the United States Public Health Service, and Reserve and temporary officers thereof.

(ii) Officers of reserve components of other Armed Forces and the United States Public Health Service.

(2) Except for those specified in subparagraph (1) of this paragraph, qualified persons with or without military service, including members of the Army Reserve when not on active duty seeking appointment in a grade higher than that presently held, may qualify for appointment based on education and/or experience and may be appointed in grades authorized in paragraphs (g) to (l) of this section. Grade determination will be made by the examining board subject to final approval of the authority tendering appointments. However, when appointments are made to fill existing vacancies they will not be made in a grade higher than the vacancy in question, regardless of the fact that the individual may qualify for a higher grade.

(c) *Limitations on appointments.* Appointments will be limited to those necessary to:

(1) Fill existing vacancies in the Ready Reserve troop program units, when there are no qualified officers of appropriate or lower grade available to fill such vacancies.

(2) Fill mobilization designation position vacancies within authorized ceilings

when the individual has been approved by the T/D proponent agency for designation to fill such position.

(3) Meet the need for Ready Reserve reinforcements under quotas announced by the Department of the Army.

(4) Meet the need for officers for active duty, when qualified Reserve officers are not available.

(d) *Eligibility.* Applicants must meet the following requirements in addition to those shown in §§ 561.2 to 561.10.

(1) *Age.* (i) Applicants must not have reached the age shown below prior to appointment in grade indicated, except that age limits may be increased for former officers of any component of the Army and the Army of the United States without component, by an amount not to exceed length of previous service in the grade in which appointment is authorized, except that the age 45 will not be exceeded for the Army Nurse Corps and the Women's Medical Specialist Corps branches. Previous service means any period an officer has served on active duty in the Army or held an appointment in the federally recognized National Guard or retained active status as a Reserve of the Army.

Grade	Age		
	WMSC	ANC	Other
Second lieutenant	28	28	28
First lieutenant	33	33	33
Captain	39	39	39
Major	45	45	48
Lieutenant colonel		45	51
Colonel			55

(ii) The authority tendering appointments may consider on an individual basis, when applicants are applying for concurrent active duty, requests for waiver of the maximum age limits in exceptional cases, up to the ages indicated for grades and branches as shown below:

Grade	Age		
	WMSC	ANC	Other
Second lieutenant	33	33	33
First lieutenant	38	38	38
Captain	43	43	43
Major			50
Lieutenant colonel			53

(2) *Education and experience.* (i) Except as noted in paragraph (b) (1) of this section when qualifying for appointment based on prior service, applicants must meet the educational and professional requirements prescribed for the particular specialty as shown under paragraphs (g) to (l) of this section.

(ii) Qualifying education means at least a bachelor's degree awarded by an accredited college or university, and involving the specific degree or subject matter listed for each specialty. Qualifying educational training for these specialties will be uniformly credited as follows:

Qualifying education	Credit toward grade
Bachelor's degree	Total of 4 years.
Certification as a registered nurse	
Certification as a physical therapist (when the special training course is not in addition to 4 years of college and the awarding of the baccalaureate degree).	
Certification as dietitian	Total of 5 years.
Certification as occupational therapist [1]	
Certification as physical therapist [1]	
Master's degree (other than in the field of social work)	
Master's degree in social work	Total of 6 years.
Degree, doctor of veterinary medicine	
Degree, doctor of medicine	Total of 7 years.
Degree, doctor of dental surgery and/or medicine	
Degree, doctor of philosophy	

NOTE: At the discretion of the Examining Board and the area commander, each year of approximately 30 semester credit hours of qualifying graduate study satisfactorily performed (either leading to an advanced degree or study beyond the doctorate) may be counted as a year of the total requirements.

[1] Where the special training course is in addition to the 4 years of college and the awarding of the baccalaureate degree.

(e) *Vacancies and quotas.* Applicants may secure information from unit commanders or chiefs of military districts. Information relative to quotas for active duty may be secured from the appropriate area commander.

(f) *Applications.* (1) See § 561.13. The following additional documents and information will be submitted:

(i) Documentary evidence of educational level and professional or technical background (photostatic or true copies are acceptable).

(ii) Applicants for appointment for assignment to the Medical Service Corps branch will furnish transcript of grades received in undergraduate and graduate schools or universities. In addition, such applicants will add to DD Form 398 (Statement of Personnel History) the following additional information pertaining to each position listed under item 12 therein:

(*a*) Kind of business.

(*b*) Salary or earnings (starting, final, or present).

(c) Description of work performed.

(*d*) Number and kind of employees supervised, if any.

(iii) (*a*) Applicants for appointment for assignment to the Army Nurse Corps will furnish transcripts of grades received in school of nursing, undergraduate, and/or graduate schools or universities. In the case of postgraduate clinical courses a certified statement attesting to satisfactory completion will be required from the hospital or agency concerned. Documentary evidence of current nursing registration in any State of the United States, District of Columbia, Territory of the United States is required.

(*b*) Applicants for appointment for assignment to the Women's Medical Specialist Corps branch will furnish transcription of grades received in undergraduate and graduate schools or universities, together with certification of completion of a dietetic internship, a physical therapy training course, or occupational therapy training course, whichever is applicable.

(iv) DA AGO Form 8–130 (Supplemental Data for Medical Department Officers) in duplicate.

(2) Former officers of the Army who are qualifying for appointment based on prior service in the grade, corps, and specialty (paragraph (b) (1) of this section) are exempt from the requirements of subdivisions (i), (ii), and (iii) of this subparagraph, except that former Medical Service Corps officers will comply with subparagraph (1) (i) and (iii) (*a*) of this paragraph so far as they apply to additional preparation and postgraduate clinical courses pursued since graduation from the basic nursing program.

(g) *Medical Corps.* Applicants for appointment and assignment to the Medical Corps branch must meet the following requirements:

(1) Be currently licensed to practice medicine in a State, Territory, or the District of Columbia, or possess a diploma from the National Board of Medical Examiners. Be currently engaged in the ethical practice of medicine. Waiver of license and actual engagement in practice may be granted for:

(i) Graduates of approved medical schools.

(ii) Individuals who have successfully completed the prescribed course of medical instruction at medical schools which are acceptable to the Department of the Army.

(2) Possess the degree of Doctor of Medicine from a medical school acceptable to the Department of the Army. However, certified evidence of the successful completion of the prescribed course of 4 years medical instruction at a medical school acceptable to the Department of the Army and which requires a hospital internship for the degree of Doctor of Medicine may be accepted in lieu of a degree. Applications from physicians who are graduates of domestic or foreign schools not acceptable to the Department of the Army, if otherwise qualified, will be forwarded direct to The Surgeon General, Department of the Army, Washington 25, D. C., ATTN: MEDCM–B, for final determination relative to professional acceptability.

(3) Appointment will be in grade determined by the applicant's age (paragraph (d) of this section) and active professional experience subsequent to

graduation from medical school as follows:

Grades authorized for appointment:	*Minimum professional experience (years)*
First lieutenant	None
Captain	4
Major	11
Lieutenant colonel	18
Colonel [1]	25

[1] Persons appointed in the grade of colonel must have achieved unequivocal prominence as authorities in their particular specialty, and ordinarily must have been certified by one of the American specialty boards in the specialty for which that board is constituted.

(h) *Dental Corps.* Applicants qualifying for appointment and assignment to the Dental Corps branch must meet the following requirements:

(1) Be a graduate of a dental school acceptable to the Department of the Army.

(2) Be currently licensed to practice dentistry in a State, Territory, or the District of Columbia, and currently engaged in the ethical practice of dentistry. Waiver of license and actual engagement in practice may be made for graduates of dental schools acceptable to the Department of the Army, if application is made within 1 year after graduation or while undergoing appropriate postgraduate instruction.

(3) Appointment will be in grades determined by the applicant's age (paragraph (d) of this section) and active professional experience subsequent to graduation from dental school as follows:

Grades authorized for appointment:	*Minimum professional experience (years)*
First lieutenant	None
Captain	4
Major	11
Lieutenant colonel	18
Colonel [1]	25

[1] Persons appointed in this grade must give evidence of outstanding background and ability in their specialty. Applicants for appointment in this grade ordinarily must have been certified by a dental specialty board in the specialty for which such a board is constituted.

(i) *Veterinary Corps.* Applicants qualifying for appointment and assignment to the Veterinary Corps branch must meet the following requirements:

(1) Graduation from a veterinary college acceptable to the Department of the Army. Doctors of veterinary medicine or surgery will submit documentary evidence, such as diploma received or consolidated transcript of credit hours from graduate or professional schools.

(2) Be currently licensed to practice veterinary medicine in a State, Territory, or in the District of Columbia, and currently engaged in the ethical practice of veterinary medicine. Waiver of license and actual engagement in practice may be made for graduates of schools of veterinary medicine acceptable to the Department of the Army if:

(i) Commissioned at time of graduation, or

(ii) Engaged in fields of veterinary professional endeavor, other than actual practice, not requiring licensure.

(3) Appointment will be in grades determined by the applicant's age (paragraph (d) of this section) and active professional experience subsequent to graduation from a veterinary college, as follows:

Grades authorized for appointment:	*Minimum professional experience (years)*
Second lieutenant	None
First lieutenant	1
Captain	5
Major	12
Lieutenant colonel	19
Colonel [1]	26

[1] Persons appointed in this grade must give evidence of outstanding background and ability in their specialty. Examples are outstanding contributors of scientific research, outstanding administrators, and outstanding contributors to the development of the specialty under consideration.

(j) *Medical Service Corps*—(1) *General.* Applicants for appointment and assignment to the Medical Service Corps branch under subparagraph (2) of this paragraph must have the qualifying college education indicated under each specialty. In addition such applicants must have acquired appropriate progressive qualifying experience as shown in this subparagraph. Qualifying experience includes both military and civilian work, with a workweek of at least 39 hours or its equivalent in part-time employment. This work must have been in any one or any allowable combination of the activities and the area of experience defined herein for each specialty. Appointments in grade of major and above will not be made except in cases of highly qualified individuals of recognized ability.

Grade:	*Minimum qualifying college education and/or experience (years)*
Second lieutenant	4
First lieutenant	7
Captain	11
Major	18
Lieutenant colonel	25
Colonel	32

(2) *Specialists*—(i) *Medical entomology.* (*a*) Appointments in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must possess a bachelor's degree with a major in the field of entomology, including at least one course in medical entomology. The school or university must be acceptable to the Department of the Army.

(*c*) Applicants must have had the appropriate progressive experience to meet the requirements for the respective grades specified in subparagraph (1) of this paragraph.

(ii) *Medical laboratory specialists.* (*a*) Appointment in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must meet either of the following requirements:

(*1*) Possess a master's degree from a school or university acceptable to the Department of the Army in one of the specialties listed in (*d*) of this subdivision.

(*2*) Possess a bachelor's degree from a school or university acceptable to the Department of the Army in one of the specialties listed in (*d*) of this subdivision and, in addition, must have been certified as a qualified medical technologist by an organization acceptable to the Department of the Army.

(*c*) Applicants must have the appropriate progressive experience to meet the requirements for the respective grades specified in subparagraph (1) of this paragraph.

(*d*) Specialties are:

Bacteriology.
Biochemistry.
Medical parisitology.
Medical technology.
Serology.
Toxicology.

(iii) *Nutrition.* (*a*) Appointments in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must possess a master's degree, or its equivalent, in the field of nutrition, nutritional biochemistry, or nutritional physiology from a school or university acceptable to the Department of the Army.

(*c*) Applicants must have had the appropriate progressive experience to meet the requirements for the respective grades as specified in subparagraph (1) of this paragraph.

(iv) *Optometry.* (*a*) Appointments in the grades of second lieutenant through colonel are authorized.

(*b*) Applicant must be a graduate of a school of optometry giving a full 4-year course acceptable to the Department of the Army.

(*c*) Applicants must have had appropriate progressive experience specified in subparagraph (1) of this paragraph to meet the criteria for the respective grades.

(v) *Pharmacy, administration and supply.* (*a*) Appointments in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must possess a bachelor's degree, with a major in one of the specialties outlined in (*d*) of this subdivision from a school or university acceptable to the Department of the Army. In addition, legal specialists who will be appointed in the grade of first lieutenant only for authorized vacancies, must have graduated from an approved law school with a professional degree, must have been admitted to practice, and must have membership in good standing of the bar of the highest court of a State, Territory, the District of Columbia, or a Territorial possession of the United States.

(*c*) Applicants must have had the appropriate experience as required by subparagraph (1) of this paragraph.

(*d*) Specialities are:

Business administration.
Hospital administration.
Personnel administration..
Pharmacy.
Accounting.
Legal.
Education.
Management engineering.
Statistics.
Chemistry and biology.

(vi) *Physical reconditioning specialists.* (*a*) Appointment in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must be graduates of a college or university acceptable to the Department of the Army, with a major study in physical education. Subjects that must be included in this course of study are anatomy, physiology, psychology, personal hygiene, and kinesiology.

(*c*) Applicants must have had appropriate progressive experience as specified in subparagraph (1) of this paragraph to meet the criteria for the grades specified.

(vii) *Psychology.* (*a*) Appointments in the grades of first lieutenant through colonel are authorized.

(*b*) Applicants must possess a doctor's degree in psychology from a college or university acceptable to the Department of the Army.

(c) Applicants must have the experience to meet the criteria for the respective grades as specified in subparagraph (1) of this paragraph.

(viii) *Sanitary engineering.* (*a*) Appointment in grades of second lieutenant through colonel are authorized.

(*b*) Applicants must possess a bachelor's degree in sanitary, civil, or chemical engineering from a school or university acceptable to the Department of the Army.

(*c*) Applicants must have had appropriate experience to meet the criteria for the respective grades as specified in subparagraph (1) of this paragraph.

(ix) *Social worker.* (*a*) Appointments in the grades of second lieutenant through colonel are authorized.

(*b*) Applicants must possess a master's degree in social work from a school or university acceptable to the Department of the Army.

(c) Applicants must have had the experience to meet the criteria for the respective grades as specified in subparagraph (1) of this paragraph.

(k) *Army Nurse Corps.* (1) Applicants qualifying for appointment and assignment to the Army Nurse Corps branch must meet the following requirements:

(i) Be a graduate of a school of nursing acceptable to the Department of the Army and possess documentary evidence which shows that they meet educational requirements for grade determination.

(ii) Be currently registered to practice nursing in a State, Territory, or the District of Columbia.

(2) Appointment will be in grades determined by the applicant's age, education, and active professsional experience subsequent to graduation from a school of nursing acceptable to the Department of the Army as indicated below. Graduate study beyond the master's level may be substituted for professional nursing experience on a year-for-year basis of full-time study.

Grade authorized for appointment	Minimum experience and type	Minimum education and content
Second lieutenant	No years	Graduate from basic program.
First lieutenant	3 years active professional experience. Noncollege credit postgraduate clinical courses pursued in a hospital will be considered professional experience.	*an* At least 15 semester hours in the physical, biological and social sciences, communications, humanities, or nursing earned in an accredited college or university. Such credits must be exclusive of those earned in the basic nursing program. Post-graduate clinical courses for which college credits have been granted may be honored toward the 15-semester credit requirement. Clinical courses credited toward the educational factor will not be credited toward experience.
	Or, 3 years active professional experience. Anesthesia practice or a course in this field must have been within the period 24 months prior to appointment.	*and* Documentary evidence of current certification by the American Association of Nurse Anesthetists.
Captain	7 years of active professional experience of which at least 2 years must have been in a teaching, supervisory or administrative capacity.	*and* Bachelor's degree from an accredited college or university with a major field of study in nursing, nursing education, nursing administration, public health nursing, or one of the allied medical sciences.
	Or, 6 years of active professional experience of which at least 2 years must have been in a teaching, supervisory or administrative capacity.	*and* A master's degree from an accredited college or university with a major field of study in nursing, nursing education, supervision and teaching, nursing administration, hospital administration, personnel administration counseling and guidance, or public health nursing.
	Or, 7 years of active professional experience. Anesthesia practice or a course in this field must have been within the period of 24 months prior to appointment.	*and* Documentary evidence of current certification by the American Association of Nurse Anesthetists.
Major	13 years of professional nursing experience of which at least 5 years must have been in a teaching and/or administrative capacity. The individuals must have achieved unequivocal prominence so as to render them authorities in their fields as evidenced by professional rank or contributions to the advancement of research and the further development of nursing education and nursing service.	*and* Master's degree in a nursing specialty or allied field.
Lieutenant colonel	20 years of professional nursing experience and demonstrated prominence as outlined for appointment as major.	*and* Master's degree in a nursing specialty or allied field.

(l) *Women's Medical Specialist Corps.* Applicants for appointment and assignment to the Women's Medical Specialist Corps branch must have the education and experience as shown under each specialty.

(1) *Dietetic specialists.* (i) Appointments in the grade of second lieutenant through captain are authorized.

(ii) Applicant must possess a bachelor's degree with a major in either foods and nutrition or in institution management from a college or university and have completed a dietetic internship both of which are acceptable to the Department of the Army. (An applicant who has completed college education as stated herein and who desires to complete the dietetic internship conducted by the Department of the Army may be granted a Reserve commission for that purpose.)

(iii) Applicants for grades above second lieutenant must meet the following experience requirement:

(*a*) For appointment in the grade of first lieutenant, not less than 2 years of professional experience as a dietitian with at least 1 year in a hospital of 100 beds or more.

(*b*) For appointment in the grade of captain, not less than 6 years of professional experience as a dietitian, 3 years of which must have included a major responsibility in the administration of a dietary department in a hospital acceptable by the Department of the Army.

(2) *Physical therapy specialists.* Appointments in the grades of second lieutenant through captain are authorized.

(i) For appointment in the grade of second lieutenant an applicant must have completed not less than 3 years (90 semester hours) in a college or university and a course in physical therapy, both of which are acceptable to the Department of the Army. An applicant who possesses a bachelor's degree, including satisfactory courses in biological and physical sciences and psychology, from a college or university acceptable to the Department of the Army, and who desires to complete the physical therapy course conducted by the Department of the Army may be granted a Reserve commission for that purpose. An applicant who is a student matriculated in a university or school acceptable to the Department of the Army, who has completed the didactic portion of a physical therapy training course, and who desires to accomplish the required clinical practice leading to a degree or a certificate in physical therapy in an Army hospital may be granted a Reserve commission for that purpose.

(ii) For appointment in the grade of first lieutenant an applicant must meet the educational requirements for the grade of second lieutenant for this specialty. Applicants who do not possess a bachelor's degree in addition to completion of the 1 year physical therapy training course must have had not less than 3 years of professional experience as a physical therapist in medical institutions acceptable to the Department of the Army. Otherwise, 2 years of pro-

fessional experience as a physical therapist will be excepted.

(iii) For appointment in the grade of captain an applicant must possess a bachelor's degree from a college or university and have completed a physical therapy course, both of which are acceptable to the Department of the Army and, in addition must have had not less than 6 years of professional experience as a physical therapist in medical institutions acceptable to the Department of the Army, 3 years of which must have been in a supervisory capacity. An applicant possessing a bachelor's degree with a major in physical therapy from a college or university acceptable to the Department of the Army, must have completed a minimum of 7 years of professional experience as a physical therapist, 3 years of which must have been in a supervisory capacity.

(3) *Occupational therapy specialists.* Appointments in the grades of second lieutenant through captain are authorized.

(i) For appointment in the grade of second lieutenant an applicant must have completed not less than 2 years (60 semester hours) in college or university and a training course in occupational therapy, both of which are acceptable to the Department of the Army. An applicant who possesses a bachelor's degree from a college or university acceptable to the Department of the Army with undergraduate or subsequent training to include a minimum of 15 semester hours of psychology, science and/or sociology, and who desires to complete the occupational therapy course conducted by the Department of the Army, may be granted a Reserve commission for this purpose. Individuals granted commissions for such training will be limited to those who express in writing a desire for appointment in the Regular Army. An applicant who possesses a bachelor's degree from a college or university, and is enrolled in a course in occupational therapy, both acceptable to the Department of the Army, or who has completed 4 years (120 semester hours) leading to a degree including the didactic portion of a course in occupational therapy, in an acceptable college or university, and who desires to complete the required clinical portion of that course in an Army hospital, may be granted a Reserve commission for that purpose.

(ii) For appointment in the grade of first lieutenant an applicant must meet the educational requirements for appointment as a second lieutenant for this specialty and, in addition, must have had not less than 2 years of professional experience as an occupational therapist in medical institutions acceptable to the Department of the Army.

(iii) For appointment in the grade of captain an applicant must meet the educational requirements for appointment as a second lieutenant for this specialty and, in addition, must have had not less than 6 years of professional experience as an occupational therapist in medical institutions acceptable to the Department of the Army, 3 years of which must have been in a supervisory capacity.

[SR. 140–105–6, Jan. 28, 1953] (R. S. 161; 5 U. S. C. 22. Interprets or applies Pub. Law 476, 82d Cong.)

[SEAL] WM. E. BERGIN,
Major General U. S. Army,
The Adjutant General.

[F. R. Doc. 53–1722; Filed, Feb. 20, 1953; 8:45 a. m.]

Chapter XVII—Federal Civil Defense Administration

PART 1701—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

AMOUNT OF FEDERAL CONTRIBUTION; FEDERAL AND STATE PROCUREMENT

1. Section 1701.5 is amended to read as follows:

§ 1701.5 *Amount of Federal contribution.* Federal contributions for civil defense equipment may not exceed fifty percent of the total cost for such equipment: *Provided, however,* That such percentage may be varied for the Territory of Alaska.

2. Sections 1701.10 and 1701.11 are added to read as follows:

§ 1701.10 *Federal procurement.* The FCDA will normally procure civil defense equipment which has been recommended for Federal procurement in FCDA Manual M25–1, "Federal Contributions". If, however, FCDA authorization is given for the procurement of such equipment by the State (or political subdivision, if applicable), then the Federal contribution shall not exceed fifty percent of the estimated purchase price obtainable by FCDA at the time the application is approved.

§ 1701.11 *State procurement.* (a) The State will normally procure all civil defense equipment not recommended for Federal procurement. A project application involving State procurement may include the costs of transportation, installation, and non-Federal taxes (other than those imposed by the State government, or the political subdivision submitting the application). It may include Federal taxes only if an exemption therefrom cannot be obtained by the State or political subdivision. It may not include procurement or maintenance charges.

(b) Civil defense equipment specifications developed by the State, or political subdivision, shall comply with FCDA standards as established by FCDA specifications for such equipment. Where the State or political subdivision incorporates in its specifications details of design or construction, or equivalent requirements, which are based on a specific manufacturer's product, thereby restricting the specifications to that product and requiring design or construction changes by other manufacturers in order to meet the restrictions, such specifications shall be transmitted to FCDA, with a statement justifying the need for the restrictive requirement, for prior approval by FCDA before procurement may be undertaken.

(c) Procurement of civil defense equipment by the State (or political subdivision, if applicable) shall be in accordance with its statutes, regulations, and ordinances covering purchasing: *Provided,* That, in the absence of State or municipal statutes, regulations, or ordinances requiring that procurement of civil defense equipment be subject to bid procedure, all contracts for procurement of civil defense equipment which exceed $1,000 must be offered by public advertisement and awarded to the lowest responsible bidder unless the FCDA authorizes or prescribes otherwise.

This amendment shall be effective March 1, 1953.

J. J. WADSWORTH,
Acting Administrator,
Federal Civil Defense Administration.

FEBRUARY 19, 1953.

[F. R. Doc. 53–1793; Filed, Feb. 20, 1953; 9:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 1, Amdt. 7 to Revision 1]

CPR 1—NEW PASSENGER AUTOMOBILES

PRICING NEW PRODUCTS; TOOLING COSTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 10 of Ceiling Price Regulation 1, Revision 1, provides the procedure for establishing ceiling prices for new automobiles and new items of extra, special or optional equipment. In general, the ceiling price of the new product is determined by applying to costs of producing the new product, the profit markup currently realized on the sale of a similar product. A manufacturer is required to submit a report of his current costs of producing both the new product and the comparison product. In the case of items of extra, special or optional equipment, OPS Public Form 149 is provided for this purpose. In reporting their costs, manufacturers have failed to include as a current cost for producing the comparison product, original unit tooling cost, where their tooling costs have been partially or completely amortized at the time of application. As a result, an important element in establishing the ceiling price of the comparison product is omitted and a higher profit markup is indicated. Applying this higher profit markup to the new product artificially enhances its ceiling price. Successive pricing of new products which are based on these markups, may result in substantial distortions of the ceiling prices of the new products.

Accordingly, this amendment to section 10 of Ceiling Price Regulation 1, Revision 1, specifically requires a manufacturer applying for the establishment of a ceiling price for a new automobile, to show his original unit tooling cost and to include such cost in determining his profit markup for the comparison automobile. Similarly, in the case of new items of extra, special or optional equipment, a manufacturer will state on OPS Form 149, his original unit tooling cost of the comparison product.

In the formulation of this amendment there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 1, Revision 1, is amended in the following respects:

1. Subparagraph 3 of section 10 (a) is amended to read as follows:

(3) A description of the automobile which you manufacture and consider most similar to the new automobile and for which you have a ceiling price, a detailed statement of your total unit costs as of the date of your application pursuant to this section, including your direct materials and labor costs, factory overhead, selling, and general and administrative expenses (if any of these costs are estimated this must be indicated, with the basis for arriving at your estimate), your original tooling cost of the comparison item, and the ceiling price to each class of purchaser as of the time the application is submitted, for the similar automobile.

2. Section 10 (b) is amended to read as follows:

(b) *New extra, special or optional equipment.* If you produce any item of extra, special or optional equipment not produced or sold by you on the date of the issuance of this regulation, you must file your proposed ceiling price on OPS Form 149 in duplicate. In completing that form you must show in section 4, in the 4th line designated by "tool amortization (c)" under the column for comparison item, your original unit tooling cost. These forms must be sent by registered mail to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Fifteen days after receipt of these forms by that Office, you may sell at your proposed ceiling price unless you have been notified that your proposed ceiling price has been disapproved.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2145)

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective February 19, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 19, 1953.

[F. R. Doc. 53-1786; Filed, Feb. 19, 1953; 4:43 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 133]

GCPR, SR 133—CEILING PRICE OF BERYLLIUM COPPER MASTER ALLOY

CORRECTION

SR 133 to the General Ceiling Price Regulation issued February 13, 1953 contains an inadvertent error in section 2.

The figure "37.72 cents" contained in section 2 is corrected to read "37.72 dollars".

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 19, 1953.

[F. R. Doc. 53-1787; Filed, Feb. 19, 1953; 4:43 p. m.]

[General Overriding Regulation 23, Amdt. 6]

GOR 23—TERRITORIAL EXEMPTIONS

EXEMPTIONS IN ALASKA, HAWAII, THE VIRGIN ISLANDS, AND THE COMMONWEALTH OF PUERTO RICO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly manner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment to General Overriding Regulation 23 is one of the actions by which OPS is carrying out that instruction.

GOR 23 was issued to provide a single listing of exemptions and suspensions of price control in the territories and possessions of the United States. Insofar as exemptions, pursuant to the orderly elimination of controls, affect only the territories and possessions of the United States, they will appear as amendments to this General Overriding Regulation.

This amendment exempts from price control, the following:

(1) All sales of meals, food items, and beverages, by restaurants, and eating and drinking establishments, in Alaska, Hawaii, the Virgin Islands, but not in the Commonwealth of Puerto Rico.

(2) All sales in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico of pulp, paper, paperboard, and allied commodities and services.

(3) All sales in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico, of fats and oils, including shortening, lard, salad oils and dressings, mayonnaise, and margarine.

Section 2.2 contains a list of regulations applicable only in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico, or in one of these areas, which have been revoked. Although, in some instances, some or all of the commodities or services covered by the regulations may have already been exempted from price control, this list will be brought up to date from time to time to provide a convenient listing of territorial regulations which have been revoked and, at least as to certain territories, are no longer applicable.

In view of the special nature and basis of this amendment, consultations with industry representatives were impracticable and unnecessary.

AMENDATORY PROVISIONS

General Overriding Regulation 23 is amended in the following respects:

1. Delete Article II and substitute the following new Article II therefor:

ARTICLE II—REVOCATIONS OF REGULATIONS

SEC. 2.1 *What this article does.* This article revokes all regulations indicated, and all amendments thereto or revisions thereof hitherto issued by the Office of Price Stabilization, and exempts from price control the sales formerly covered by the revoked regulations.

SEC. 2.2 *Revocations.* The regulations listed in this section and all amendments thereto, revisions thereof, and orders thereunder, hitherto issued by the Office of Price Stabilization, are revoked, except as indicated. This revocation exempts the sales formerly covered by the following regulations from price control:

(a) Ceiling Price Regulations:

(1) Ceiling Price Regulation 120, except in the Commonwealth of Puerto Rico.

(2) Ceiling Price Regulation 44.

(3) Ceiling Price Regulation 143.

(4) Ceiling Price Regulation 128.

(5) Territorial Supplementary Regulation 2 to Ceiling Price Regulation 34.

(6) Ceiling Price Regulation 50.

(7) Ceiling Price Regulation 154.

SEC. 2.3 *Records.* If you were required by any regulation to which this Article of this General Overriding Regulation applies, to preserve any records, you shall continue to preserve, and make available for examination by the OPS or any other authorized agency of the United States, in the manner and for the period set forth in that regulation, all such records which you were required, by the regulation, to have immediately prior to the date that regulation was revoked.

2. Delete Article III and substitute the following new Article III therefor:

ARTICLE III—EXEMPTIONS

SEC. 3.1 *What this article does.* This article exempts the sale, in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico, of the commodities indicated in this article, from price control, and exempts the rates, fees, and charges for the supply of the services indicated from price control.

SEC. 3.2 *Exemption of commodities.* Sales of the commodities listed in this section, in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico, are hereby exempted from price control:

(a) Fresh fruits and vegetables.

(b) Fats and oils, including shortening, lard, salad oils and dressings, margarine.

(c) All pulp, paper, paperboard, and allied commodities and services.

SEC. 3.3 *Exemption of services.* The rates, fees, and charges for the supply of the services listed below, in Alaska, Hawaii, the Virgin Islands, and the Commonwealth of Puerto Rico, are hereby exempted from price control:

SEC. 3.4 *Records.* If you were required by any regulation covering a commodity or service exempted in this article, to preserve any records, you shall continue to preserve, and make available for examination by the OPS or any other authorized agency of the United States, in the manner and for the period set forth in that regulation, such records as you were required to have as to that commodity or service immediately prior to the date the commodity or service was exempted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 6 to General Overriding Regulation 23 is effective February 19, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 19, 1953.

[F. R. Doc. 53-1788; Filed, Feb. 19, 1953; 4:43 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

NONMAILABLE ARTICLES AND COMPOSITIONS; BEES

a. In § 35.13 *Nonmailable articles and compositions* make the following changes in the list of items under subdivision (i) of paragraph (c) (3):

1. Strike out "Ethylene thiourea."

2. Strike out "Hydrogen peroxide (above 3½ percent)." and insert in lieu thereof "Hydrogen peroxide (above 6 percent)."

3. Strike out "Lysol" and insert in lieu thereof "Lysol (Old formula with Poison label)."

b. In § 35.22 *Bees* amend paragraph (b) by inserting the following two sentences immediately preceding the last sentence: "The cages shall be of sufficient strength and proper construction to permit stacking. The handles on top of the cages shall be compensated for by wood strips or the equivalent thereof when necessary to prevent the cages from toppling over when stacked."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781 as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] ROY C. FRANK,
Solicitor.

[F. R. Doc. 53-1738; Filed, Feb. 20, 1953; 8:49 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.251 *Finland* amend paragraph (b) (3-a) to read as follows:

(3-a) *Observations.* (i) The Finnish customs authorities permit the duty-free entry of gift parcels, regardless of weight and value, containing only used clothing, used table linen or used bed linen in quantities not exceeding the normal needs of the addressee and his family.

(ii) Gift parcels or groups of such parcels containing only the articles listed in this subdivision are admitted duty free, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks in value:

(*a*) Foodstuffs other than coffee, cocoa, tea, or candy.

(*b*) Coffee, cocoa and candy up to 2 pounds 3 ounces each, and tea up to 8¼ ounces.

(*c*) Tobacco up to 3½ ounces (100 cigarettes, 30 cigarillos or 25 cigars).

(*d*) Small quantities of clothing (new as well as used), soap, leather goods, razor blades and similar articles of small value, not to be sold or used in commerce or trade.

(iii) Articles exceeding the limits set forth in subdivision (ii) of this subparagraph will be charged with customs duty and possibly other charges in Finland.

b. In § 127.278a *Indonesia (Alor Islands, Amboina, Aru Islands, Babar, Bali, Banda, Banka, Batjan, Bawean, Bengkalis, Billiton, Bintan, Borneo (Kalimantan), Bura, Buton, Celebes (Sulawesi), Ceram, Flores, Ceser, Halmahaira, Java (Djawa) Kai Island, Kalimantan (Borneo), Kangean, Karimun, Kisar, Kundur, Laut, Lombok, Madura, Morotai, Muna, Roti, Salajar, Salibabu, Sambu, Sangir Island, Saparua, Sapudi, Siantan, Siau, Singkep, Sula Island, Sulawesi (Celebes), Sumatra, Sumba, Sumbawa, Tanimbar Island, Tarakan, Tebingtinggi, Ternate, Timor (formerly Netherlands Timor) and Weh)* make the following changes:

1. Amend paragraph (b) (1) by inserting the following between the table of surface parcel rates and the tabulated information thereunder in subdivision (i):

(ii) Air parcel rates: $1.75 for first 4 ounces, and $1.00 for each additional 4 ounces or fraction.

2. Add the following to tabulated information now under subdivision (ii) of paragraph (b) (1):

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.20.)
Air parcel post restricted to 11 pounds.

3. Amend subdivision (ii) of subparagraph (7) of paragraph (a) (17 F. R. 8294) to read as follows:

(ii) Gift shipments excluding 300 rupiahs (about $25) in value.

4. Amend subdivisions (i) and (iii) of paragraph (b) (5) (17 F. R. 6595) to read as follows:

(i) Service is restricted to gift parcels. Before parcels are accepted for mailing, the senders shall be required to mark their parcels to show they are gifts.

* * * * *

(iii) Addressees in Indonesia are required to obtain import licenses for all gift parcels exceeding 300 rupiahs (about $25) in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

c. In § 127.341 *Rumania,* make the following changes:

1. Amend subdivision (i), of paragraph (b) (5) to read as follows:

(i) *Restrictions.* (*a*) No gift parcel may exceed 4 pounds 6 ounces in gross weight, and only one such parcel may be received by one addressee per month.

(*b*) Each parcel must be mailed by an individual, as the Rumanian authorities will not admit gift parcels mailed by or on behalf of commercial firms or organizations of any kind.

(*c*) Each parcel must contain a detailed list of its contents, in addition to the postal customs declaration.

The contents of gift parcels, which must be for the addressee's personal use, are limited to the items and the quantities of each shown in the following lists:

I. CLOTHING, ETC.

Scarfs, towels, neckties, waterproof garments, blouses, dresses, suits, overcoats, hats, sweaters.	1 of each.
Undergarments, handkerchiefs	2 of each.
Gloves, stockings, footwear	1 pair of each.
Sewing thread	100 grams (3½ ounces).
Woolen yarn	450 grams (15¾ ounces).
Cotton, linen or hempen cloth	3 meters (9 feet 9 inches).
Woolen cloth	3 meters (9 feet 9 inches).
Cloth of natural or artificial silk, nylon, etc	3 meters (9 feet 9 inches).

II. MISCELLANEOUS

Toilet water	250 grams (8¾ ounces).
Perfumes	50 grams (1¾ ounces).
Toilet articles, brushes, combs, cosmetics, etc	100 grams (3½ ounces).
Razors, scissors, hairclippers	1 article.
Watches, eyeglasses, eyeglass lenses, leather articles, musical instruments.	1 of each.
Fountain pens and mechanical pencils	1 article.
Medical and optical instruments, household appliances	2 articles.
Razor blades	10 blades.

(d) Articles sent in gift parcels are subject to customs duty in Rumania. A parcel may be returned to origin if the addressee fails to pay the duty, if the parcel does not comply with the above requirements, or if it contains articles of used clothing not accompanied by a certificate of disinfection.

2. Delete subdivision (vi) of paragraph (b) (5), and redesignate subdivisions (vii) and (viii) as (vi) and (vii) respectively.

3. Amend subdivision (i) of paragraph (b) (6) by the addition of the following sentence:

(e) See subparagraph (5) *Observations* of this paragraph for special restrictions on gift parcels.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROY C. FRANK, *Solicitor.*

[F. R. Doc. 53-1737; Filed, Feb. 20, 1953; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 301—REPORTS

ANNUAL REPORT FORM PRESCRIBED FOR MARITIME CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of February A. D. 1953.

The matter of Annual Reports from Carriers by Water being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule-making procedures are unnecessary;

It is ordered, That the order dated February 6, 1952 (14 F. R. 596), in the matter of Annual Reports from Carriers by Water (49 CFR 301.20) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1952, and subsequent years, as follows:

§ 301.20 *Annual report form prescribed for Maritime Carriers.* Each Maritime Carrier subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1952, and for each succeeding year until further order, in accordance with Annual Report Form M, which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 41-R1414.1.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1726; Filed, Feb. 20, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 906, 929]

[Docket Nos. AO 210-A4; AO 228-A2]

MILK IN TULSA AND MUSKOGEE, OKLAHOMA, MARKETING AREAS

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Junior Ball Room, Hotel Tulsa, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., March 10, 1953, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as now in effect, regulating the handling of milk in the Tulsa, Oklahoma, and Muskogee, Oklahoma, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the orders, as in effect, were proposed as enumerated below. Proposals Nos. 1, 2, and 3, to redesignate the Tulsa, Oklahoma, marketing area to include, in addition to territory now included, the Muskogee, Oklahoma, marketing area and additional territory and to terminate all provisions of Order No. 29 upon the adoption of such redesignation, raise the issue as to whether the present provisions of Order No. 6, regulating the handling of milk in the Tulsa, Oklahoma, marketing area, would tend to effectuate the declared policy of the act if applied to the marketing area, as proposed to be redesignated, and if not, what modifications of the classification, pricing (including all differentials) and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

Proposed by Pure Milk Producers Association of Tulsa:

1. Amend the provisions of § 906.6 of the Tulsa Order to read as follows:

§ 906.6 *Tulsa, Oklahoma, marketing area.* "Tulsa, Oklahoma, marketing area", hercinafter called the marketing area, means all territory within the County of Tulsa; the City of Sapulpa; the township of Sapulpa in Creek County; that part of the Black Dog township in 20 North, Range 10, 11, and 12 East in Osage County, and all territory lying within the boundaries of the Cities of Muskogee, McAlester and Talequah, all within the State of Oklahoma.

2. Terminate all provisions of Order No. 29 regulating the handling of milk in the Muskogee, Oklahoma, marketing area upon adoption of the foregoing proposal.

Proposed by Beatrice Foods Company:

3. Delete § 906.6 and substitute therefor the following:

§ 906.6 *Tulsa, Oklahoma, marketing area.* "Tulsa, Oklahoma, marketing area" means all the territory within the boundaries of Tulsa, Creek, Mays and Rogers Counties, that part of Wagoner County along the north of State Highway No. 51, that part of Delaware County which is west of State Highway No. 10 including the towns of Jay and Grove, that part of Ottawa County which lies west and south of State Highway No. 10 and including the towns of Quapaw, Picher, Cardin, Commerce, and Miami, that part of Craig County that lies south of State Highway No. 10 and that part of Nowata County that lies south of State Highway No. 10 and the town of Lenapah, that part of Washington County that lies south of the town of Copan, that part of Osage County that lies south of State Highway No. 60 and east of State Highway No. 99 that part of Pawnee County that lies east and south of State Highway No. 99, and that part of Payne County, exclusive of the City of Stillwater, that lies east of State Highway No. 40, including all the towns located on or adjacent to these highways in these counties within these given limits, all in the State of Oklahoma.

By the Dairy Branch, Production and Marketing Administration:

4. Make such changes as may be required to make the orders in their entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the orders now in effect, may be procured from the Market Administrator, 2635 East Eleventh Street, Tulsa, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 18, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 53-1755; Filed, Feb. 20, 1953; 8:51 a. m.]

[1] Filed as part of the original document.

[7 CFR Parts 906, 929]

[Docket Nos. AO 210–A3; AO 228–A1]

MILK IN TULSA AND MUSKOGEE, OKLAHOMA, MARKETING AREAS

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the American Room, Hotel Tulsa, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., March 9, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Tulsa, Oklahoma, and Muskogee, Oklahoma, marketing areas and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as now in effect, regulating the handling of milk in such marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the orders for such marketing areas have been proposed as follows:

By Pure Milk Producers Association of Tulsa:

1. Amend each of the orders to provide that the price for Class II milk reflect the actual value of milk in excess of Class I requirements in the area.

2. Amend Order No. 29 to provide that deliveries of certain producers under Order No. 76 regulating the handling of milk in the Fort Smith, Arkansas, marketing area be used in the computation of bases to be effective for such producers under Order No. 29.

By Hawk Dairies:

3. Amend § 906.51 (b) of the order for the Tulsa, Oklahoma, marketing area to provide that the price for Class II milk shall be the average of the prices paid by any four of the following plants:

American Foods Co., Miami, Okla.
Payne County Cooperative Creamery, Stillwater, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Enid Cooperative Creamery, Enid, Okla.
The Borden Co., Perry, Okla.
Gilt Edge Dairy, Norman, Okla.
Armour & Co., Chickasha, Okla.

By Beatrice Foods Company:

4. Amend § 906.51 (b) of the order for the Tulsa, Oklahoma, marketing area to provide that the price for Class II milk shall be the average of the prices paid by eight plants (the seven plants named in proposal No. 3 and Hawk Dairies, Tulsa, Oklahoma).

By Glencliff Dairy:

5. Classify as Class II milk any skim milk dumped, subject to prior notification to the market administrator.

By the Dairy Branch, Production and Marketing Administration:

6. Make such changes as may be required to make the orders in their entirety conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the orders now in effect, may be procured from the Market Administrator, 2635 East Eleventh Street, Tulsa, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 18, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53–1756; Filed, Feb. 20, 1953; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

INDUSTRIES OF A SEASONAL NATURE

NOTICE OF PROPOSED RULE MAKING

The regulations contained in this part are applicable to determinations of industries of a seasonal nature for the purpose of section 7 (b) (3) of the Fair Labor Standards Act, as amended. This section provides a partial exemption from the overtime provisions of the act "for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature."

Notice is hereby given that the Administrator of the Wage and Hour Division proposes to revise the regulations contained in this part in the manner set forth below. The purpose of the revision is principally to clarify certain procedural requirements and also to include in the regulations the standards which will be applied in making seasonal industry determinations. The proposed revision in § 526.3 (b) would make it possible for certain industries to qualify which previously could not qualify because they do not cease operations or do not cease for a sufficiently long annual period. Thus, this section would now make it possible for the exemption under section 7 (b) (3) to apply to industries which handle or prepare agricultural commodities in their raw or natural state, provided they receive 50 percent of their annual volume in not more than 14 workweeks.

Interested persons may, within 15 days from date of publication of this notice in the FEDERAL REGISTER submit to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., data, views and comments relative to the proposed revised regulations.

The proposed revised regulations are as follows:

Sec.
526.1 Statutory provisions.
526.2 Meaning of industry.
526.3 Industry to which the exemption is applicable.
526.4 Application for determination.
526.5 Amendment and revocation of existing determinations.
526.6 Procedure upon application for determination or proposal for amendment or revocation of an existing determination.
526.7 Procedure where application for determination is set for hearing.
526.8 Petition for reconsideration.
526.9 Petition for review.
526.10 Notice of final determination.
526.11 Petition for amendment of regulations.

§ 526.1 *Statutory provisions.* The provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, providing a seasonal industry exemption from the overtime pay requirements of the act are as follows:

Section 7 (a). Except as otherwise provided in this section, no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

* * * * *

(3) For a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature,

and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

§ 526.2 *Meaning of "industry."* (a) The term "industry" as used in this part means a trade, business, industry, or branch thereof, or group of industries in which individuals are gainfully employed.

(b) In determining whether the operations for which exemption is sought constitute an industry or a separable branch of an industry, the following factors, among others, may be considered: The extent to which the activity carried on and the products under consideration are distinguishable from other activities and products, the geographical locations of the operations, the comparability of techniques and physical facilities with those found in other situations, the extent of integration with other operations, the extent of segregation of employees performing the operations involved, established classifications in the industry, and any competitive factors involved.

§ 526.3 *Industry to which the exemption is applicable.* The exemption for an industry of a seasonal nature is applicable to:

(a) An industry which:

(1) Engages in the handling, extracting, or processing of materials during a season or seasons occurring in a regularly, annually recurring part or parts

of the year not substantially greater than six months; and

(2) Ceases production, apart from work such as maintenance, repair, clerical, and sales work, in the remainder of the year because of the fact that, owing to climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year; or

(b) An industry which:

(1) Engages in the handling, preparing, packing or storing of agricultural commodities in their raw and natural state; and

(2) Receives for handling, preparing, packing or storing 50 percent or more of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

§ 526.4 *Application for determination.* Any industry, or employer, or employer group therein, may make written application to the Administrator for a determination that the industry is of a seasonal nature. The application shall state the facts and reasons relied upon to show that the employer or employer group making application is a part or the whole of an industry which meets the conditions set forth in § 526.3. Preferential consideration will be given to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.

§ 526.5 *Amendment and revocation of existing determinations.* (a) Any interested party may submit a written petition to the Administrator for amendment or revocation of any existing determination. The petition shall set forth the facts and reasons relied upon to support the amendment or revocation requested.

(b) The Administrator may at any time amend or revoke any existing determination on his own motion. To the extent applicable, the procedures set forth in §§ 526.6 to 526.10 shall be followed.

§ 526.6 *Procedure upon application for a determination or proposal for amendment or revocation of an existing determination.* (a) Upon consideration of the facts and reasons stated in an application, the Administrator may, without further proceedings, deny the application on the ground that it fails to allege facts entitling the industry to an exemption as a seasonal industry, or in the case of an application for amendment or revocation of an existing determination, that it fails to allege facts which sustain the action requested.

(b) Upon consideration and investigation of the facts and reasons stated in an application, the Administrator may either (1) set the application or other proposed action for hearing before the Administrator or his authorized representative; or (2) notify the applicant of, and publish in the FEDERAL REGISTER a preliminary determination that a prima facie case for the granting of an exemption or for amendment or revocation of an existing determination has been shown. In the event that the Administrator determines that a prima facie case for exemption, amendment, or revocation has been shown, the Administrator for a period of 15 days following the publication of his preliminary determination will receive objection and request for hearing from any person interested, including but not limited to employees, employee groups, and employee labor organizations, within the industry or industries affected. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before the Administrator or an authorized representative. If no objection and request for hearing is received within 15 days, the Administrator will make a finding upon the prima facie case. The exemption, amendment, or revocation shall become effective 30 days after publication of the finding in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

§ 526.7 *Procedure where application for determination is set for hearing.* (a) One combined hearing may be held on two or more applications presenting related issues of fact or law.

(b) A notice of the time, place, and scope of a hearing upon an application will be published in the FEDERAL REGISTER at least five days before the date of such hearing.

(c) All persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade associations, within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard.

(d) The Administrator may issue a subpoena for attendance at such hearings to any party upon request and upon a showing of general relevance and reasonable scope of the evidence sought. The Administrator may, on his own motion, or that of his authorized representative, cause to be brought before him or his authorized representative any witness whose testimony he deems material to the matters in issue.

(e) The Administrator or his authorized representative, as the case may be, shall make a finding and determination upon the record made at the hearing. Any determination made by the Administrator himself shall be final. If the finding and determination is by an authorized representative of the Administrator, the further procedure set forth in §§ 526.8 to 526.10 is applicable.

§ 526.8 *Petition for reconsideration.* Where the hearing is had before an authorized representative of the Administrator any person aggrieved by the finding of such representative may within 15 days after the action of such representative make application to the authorized representative for reconsideration of his finding if it can be shown that there is additional evidence which would materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceeding. If the authorized representative grants an application for reconsideration, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the application for reconsideration. Upon publication of the reconsidered determination, or affirmation of the original determination, all interested persons may within 15 days thereafter file a petition for review, as provided in § 526.9. If an application for reconsideration is denied, any person aggrieved by the denial may within 15 days after publication file a petition for review as provided in § 526.9.

§ 526.9 *Petition for review.* (a) Where a hearing is had before an authorized representative of the Administrator, any person aggrieved by the finding of such representative may, within 15 days after the publication of such finding, and without following the procedure set forth in § 526.8, file a petition for review by the Administrator of the action of the representative upon the record of the hearing. The petition shall state the supporting reasons for the requested action.

(b) The Administrator may deny a petition for review upon examination of the petition. Notice of such denial shall be published in the FEDERAL REGISTER.

(c) If no petition for review is filed within 15 days, or if the Administrator denies a petition for review, the finding and determination of the authorized representative shall become final.

(d) Where a petition for review is granted, all interested parties will be afforded an opportunity to present arguments in support of or in opposition to the matters prayed for in the petition. Appropriate notice concerning presentation of arguments shall be published in the FEDERAL REGISTER. The Administrator shall make his final determination upon review of the record.

§ 526.10 *Notice of final determination.* (a) Where the final determination is that the industry is of a seasonal nature within the meaning of § 526.3 or that amendment or revocation is warranted, the determination, amendment or revocation shall become effective 30 days after publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith. If the determination is that the industry is not of a seasonal nature, appropriate notice shall be published in the FEDERAL REGISTER.

§ 526.11 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of §§ 526.1–526.10 may submit in writing to the Administrator a petition setting forth the changes desired and the reason for proposing them. If, after consideration of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, he shall either schedule a hearing, with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to present their

views, both in support of and in opposition to the proposed changes.

Signed at Washington, D. C., this 17th day of February 1953.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, Department of Labor.

[F. R. Doc. 53-1724; Filed, Feb. 20, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte MC-37]

NEW ORLEANS, LA., COMMERCIAL ZONE

REVISION OF DEFINITION OF BOUNDARY

FEBRUARY 16, 1953.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of New Orleans, La., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of New Orleans, La., as heretofore defined in the second supplemental report in Commercial Zones and Terminal Areas, 48 M. C. C. 441, 452, and to revise that portion of 49 CFR 170.27 regarding boundary definition to read as follows:

§ 170.27 *New Orleans, La.* * * *

All points within a line as follows: Commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line, thence easterly along the shore of Lake Pontchartrain to the Rigolets, through the Rigolets in an easterly direction to Lake Borgne; thence southwesterly along the shore of Lake Borgne to the Bayou Bienvenue; thence in a general westerly direction along the Bayou Bienvenue (which also constitutes the Orleans Parish-St. Bernard Parish line), to Parish Road; thence in a southerly direction along Parish Road and beyond it in the same direction to the middle of the Mississippi River; thence along the middle of the Mississippi River to a point where the center line of Avenue "A" in the townsite of Belle Chasse is intersected; thence along Avenue "A" in a northwesterly direction to the intersection of Third Street in the townsite of Belle Chasse; thence in a northeasterly direction along Third Street to the intersection of State Highway No. 31; thence along State Highway No. 31 in a northwesterly direction to a point approximately 2 miles south of Gretna where a high tension transmission line crosses State Highway No. 31; thence in a westerly direction following such transmission line to the intersection thereof with U. S. Highway 90; thence westerly along U. S. Highway 90 to a point 5 airline miles from the municipal limits of New Orleans, thence due north passing somewhat west of Waggaman, to the Mississippi River, thence across the Mississippi River to the nearest point of the municipal limits of Harahan; thence along the western boundary of Harahan to the railroad line of the Illinois Central Railroad; thence along the line of the Illinois Central Railroad to the Metaure Bayou; thence in an easterly and northerly direction along the Metaure Bayou to its intersection with Airline Highway; then along Airline Highway in an easterly direction to Clearview Parkway; thence in a northerly direction along Clearview Parkway to the shore of Lake Pontchartrain; thence along the shore of Lake Pontchartrain in an easterly direction to the Jefferson Parish-Orleans Parish line, the point of beginning.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of New Orleans, La., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before March 31, 1953.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1725; Filed, Feb. 20, 1953; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 5-53]

CLAIMS DIVISION CHANGED TO CIVIL DIVISION

FEBRUARY 13, 1953.

The name of the Claims Division in the Department of Justice is hereby changed to Civil Division.

All personnel, records, and property of the Claims Division are transferred to the Civil Division together with all the attendant duties and responsibilities of the former.

HERBERT BROWNELL, Jr.,
Attorney General.

[F. R. Doc. 53-1791; Filed, Feb. 19, 1953; 5:09 p. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Goodwill Industries of Scranton, Inc., 334 Penn Avenue, Scranton, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 30 cents per hour, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Goodwill Industries of Akron, Inc., 119 North Howard Street, Akron, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for a training period of 40 hours, and 45 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Cincinnati Association for the Blind, 1548 Central Parkway, Cincinnati 10, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour for an evaluation period of 40 hours and a training period of 120 hours, and 30 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Jewish Vocational Service and Employment Center, 231 South Wells Street, Chicago 4, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate

is effective February 1, 1953, and expires January 31, 1954.

Evansville Goodwill Industries, Inc., 18 Locust Street, Evansville, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

American Legion Employment Industries, 3865 Forest Park Boulevard, St. Louis 8, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 57 cents per hour, whichever is higher. Certificate is effective January 1, 1953, and expires November 30, 1953.

Nebraska Goodwill Industries, 1013 North Sixteenth Street, Omaha 2, Nebr.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 40 hours, and 50 cents thereafter, whichever is higher. Certificate is effective January 1, 1953, and expires October 31, 1953.

Pueblo Goodwill Industries, 130 South Union, Pueblo, Colo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period of 80 hours and a training period of 40 hours, and 60 cents thereafter, whichever is higher. Certificate is effective January 1, 1953, and expires December 31, 1953.

The Lighthouse for the Blind, 2315 Locust Street, St. Louis 3, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 25 cents per hour for an evaluation period of 160 hours and 32 cents per hour thereafter for the entire shop with the following rates and periods applicable for the various departments listed: Broom Division and Sewing Division, 25 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 32 cents thereafter; Mat Division, Mop Division and Rug Division, 25 cents per hour for an evaluation period of 160 hours and a training period of 80 hours, and 32 cents thereafter. Certificate is effective January 1, 1953, and expires November 30, 1953.

Veterans of Foreign Wars of the United States, V. A. Center, Wadsworth, Kans.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 19 cents per hour, whichever is higher. Certificate is effective December 10, 1952, and expires December 9, 1953.

Society of St. Vincent dePaul Salvage Bureau, 1815 Mission Street, San Francisco, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation and/or training period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective January 25, 1953, and expires January 24, 1954.

Goodwill Industries of Oregon, Inc., 512 Southeast Mill Street, Portland 14, Oreg.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 50 cents per hour for an evaluation and/or training period of 160 hours and 55 cents thereafter for the entire shop; Bag Folding Division, 25 cents per hour for an evaluation and/or training period of 160 hours and 50 cents thereafter. Certificate is effective January 25, 1953, and expires January 24, 1954.

The Volunteers of America, 2801 Lombard Street, Everett, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hours for an evaluation and/or training period of 160 hours, and 62½ cents thereafter, whichever is higher. Certificate is effective January 28, 1953, and expires January 27, 1954.

Union Gospel Mission, 716½ First Avenue, Seattle 11, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation and/or training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective February 6, 1953, and expires February 5, 1954.

Inland Empire Goodwill Industries, 130 East Third, Spokane 3, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation and/or training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective February 12, 1953, and expires August 31, 1953.

Lycoming County Branch, Pennsylvania Association for the Blind, 1246 Vine Avenue, Williamsport, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 120 hours, and 25 cents thereafter, whichever is higher. Certificate is effective February 1, 1953, and expires January 31, 1954.

Goodwill Home and Rescue Mission, 42 Eagles Street, Newark, N. J.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective February 16, 1953, and expires December 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of February 1953.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 53–1723; Filed, Feb. 20, 1953; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 82d Supp.]

AMERICAN AVIATION & GENERAL INSURANCE CO., READING, PA.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

FEBRUARY 17, 1953.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $265,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the

Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

American Aviation & General Insurance Company, Reading, Pennsylvania.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1739; Filed, Feb. 20, 1953; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3246 et al.]

TEXAS LOCAL SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates of public convenience and necessity to authorize air transportation between various points in Texas, Oklahoma, New Mexico, and Louisiana.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 12, 1953 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 18, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1743; Filed, Feb. 20, 1953; 8:50 a. m.]

[Docket No. 5849]

SOUTH PACIFIC AIR LINES

NOTICE OF HEARING

In the matter of the application of South Pacific Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a temporary certificate of public convenience and necessity for a 2-year period authorizing scheduled air transportation of passengers and property between the Territory of Hawaii and the Society Islands via the intermediate point Christmas Island.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on March 3, 1953, at 10:00 a. m., e. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the issuance of a temporary certificate of public convenience and necessity for a 2-year period to South Pacific Air Lines authorizing it to engage in foreign air transportation of persons and property between the following:

(a) The Territory of Hawaii and the Society Islands via Christmas Island.

2. Whether South Pacific Air Lines is a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended.

3. Whether South Pacific Air Lines is fit, willing, and able to provide the transportation requested in its aforementioned application.

For further details of the issues involved in the proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board, and the prehearing conference report issued in respect thereto.

Notice is further given that any person, other than a party of record, desiring to be heard in opposition to the application must file with the Board on or before March 3, 1953, a written statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., February 18, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1742; Filed, Feb. 20, 1953; 8:50 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS

DELEGATION OF NATURAL DISASTER AUTHORITY AND FUNCTIONS

1. Pursuant to the authority vested in me by section 5 of Executive Order 10427 dated January 16, 1953, the natural disaster authority and functions under Public Law 875, 81st Congress (64 Stat. 1109), as amended, conferred upon the Administrator by said Executive Order, except those enumerated in subsections (c) and (d) of section 1, section 5 and section 8 of said Executive Order, are hereby delegated to the Regional Director of each Federal Civil Defense Administration Region or, in his absence or disability, to any official designated by him to succeed to the position of, and act as, Regional Director.

2. In exercising and performing the authority and functions herein delegated, the Regional Director shall give maximum consideration to the existing responsibilities, authorities, practices, customs and arrangements of the other Federal Agencies, States, local governments and the American National Red Cross with respect to natural disasters.

3. The authority and functions hereby delegated may be exercised and performed in any Federal Civil Defense Administration Region by the Regional Director or Acting Regional Director of such Region, and shall be exercised in accordance with Public Law 875, 81st Congress, as amended, and such rules, regulations and instructions as the Administrator may hereafter issue.

4. The authority and functions hereby delegated may not be redelegated.

5. This delegation of authority became effective February 2, 1953.

Dated: February 19, 1953.

J. J. WADSWORTH,
Acting Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 53–1792; Filed, Feb. 20, 1953; 9:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6477]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF APPLICATION

FEBRUARY 16, 1953.

Take notice that on February 13, 1953, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Central Vermont Public Service Corporation, a corporation organized under the laws of the State of Vermont with its principal business office at Rutland, Vermont, seeking an order authorizing it to merge or consolidate facilities by taking over and acquiring all of the facilities of Public Electric Light Company. The separate existence of Public Electric Light Company will cease upon completion of the merger and Central Vermont Public Service Corporation will continue as the surviving corporation; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 7th day of March 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1733; Filed, Feb. 20, 1953; 8:49 a. m.]

[Docket No. E–6478]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

FEBRUARY 17, 1953.

Take notice that on February 16, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware with its principal business office at Riverside, California, seeking an order authorizing the issuance of 136,249 shares of common stock (par value $1 per share), and $8,000,000 principal amount First Mortgage Bonds, due 1983, such issues to be sold upon the basis of bids received after publication of invitations for competitive bids; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 7th day of March 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1734; Filed, Feb. 20, 1953; 8:49 a. m.]

[Docket No. G-1413]

PIEDMONT NATURAL GAS CO., INC.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE

FEBRUARY 17, 1953.

Notice is hereby given that on February 13, 1953, the Federal Power Commission issued its order entered February 12, 1953, further amending order of January 19, 1951 (16 F. R. 695-696), as heretofore amended by order issued June 7, 1951 (16 F. R. 5627), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1727; Filed, Feb. 20, 1953; 8:47 a. m.]

[Docket No. G-2034]

OHIO FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 17, 1953.

Notice is hereby given that on February 16, 1953, the Federal Power Commission issued its order entered February 10, 1953, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1728; Filed, Feb. 20, 1953; 8:47 a. m.]

[Docket Nos. ID-1192, ID-1193, ID-1194]

H. NEDWILL RAMSEY ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

FEBRUARY 17, 1953.

In the matters of H. Nedwill Ramsey, Docket No. ID-1192; Robert P. Liversidge, Docket No. ID-1193; H. G. Dernberger, Docket No. ID-1194.

Notice is hereby given that on February 16, 1953, the Federal Power Commission issued its orders entered February 12, 1953, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-1729; Filed, Feb. 20, 1953; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

HARRY GLANTZ

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Harry Glantz, 80-82 Wall Street, New York 5, N. Y.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of February 1953.

I. The Commission's public official files disclose that Harry Glantz, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1950, 1951, and 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 23rd day of March 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 16, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 23, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1730; Filed, Feb. 20, 1953; 8:48 a. m.]

[1] Filed as part of the original document.

ROBERT A. MULLIGAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Robert A. Mulligan, 94 Second Avenue, Newark, New Jersey.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of February 1953

I. The Commission's public official files disclose that Robert A. Mulligan, a sole proprietorship, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1950, 1951, or 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of in-

vestors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 23d day of March 1953, at the main office of of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 16, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 23, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1731; Filed, Feb. 20, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 42]

SPECIALIZED MOTOR CARRIERS ASSN.

APPLICATION FOR APPROVAL OF AGREEMENT

FEBRUARY 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed February 12, 1953, by: E. H. Cassidy, Secretary-Manager, Specialized Motor Carriers Association, 1311 Capital National Bank Building, Austin, Texas.

Agreement involved: An agreement between and among motor common carriers members of the Specialized Motor Carriers Association, relating to rates, rules and regulations for the transportation in interstate or foreign commerce of oilfield, refinery, and pipe-line machinery, equipment, materials, and supplies, heavy and cumbersome machinery, contractors' equipment and marine equipment, materials and supplies, requiring special equipment, between points in southern, and southwestern States and Illinois and Indiana, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1744; Filed, Feb. 20, 1953; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 37

Washington, Wednesday, February, 25, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10436

RESERVING KAHOOLAWE ISLAND, TERRITORY OF HAWAII, FOR THE USE OF THE UNITED STATES FOR NAVAL PURPOSES AND PLACING IT UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY

WHEREAS it appears necessary and in the public interest that the Island of Kahoolawe, Territory of Hawaii, which comprises an area of approximately forty-five square miles, and which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, be taken and reserved for the use of the United States for naval purposes, except that portion comprising an area of 23.3 acres, more or less, heretofore taken for lighthouse purposes by Proclamation No. 1827 of the President of the United States dated February 3, 1928 (45 Stat. 2937); and

WHEREAS it is deemed desirable and in the public interest that provision be made for the conducting of a program of soil conservation on the island while the reservation made hereby is in force, and that the area within such reservation be restored to a condition reasonably safe for human habitation when it is no longer needed for naval purposes:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The Island of Kahoolawe, Territory of Hawaii, except that portion taken by the United States for lighthouse purposes by Proclamation No. 1827 of February 3, 1928, is hereby taken and reserved for the use of the United States for naval purposes, and is placed under the jurisdiction of the Secretary of the Navy.

2. The Secretary of the Navy shall, within a reasonable period following the date of this order, eradicate from the island all cloven-hooved animals, or shall within such period and at all times thereafter while the area hereby reserved or any portion thereof is under his jurisdiction take such steps as may be necessary to assure that the number of such animals on the island at any given time shall not exceed two hundred.

3. The Territory of Hawaii shall have the right, at its expense and risk, at reasonable intervals to enter and inspect the island to ascertain the extent of forest cover, erosion, and animal life thereon, and to sow or plant suitable grasses and plants under a program of soil conservation: *Provided,* that such entrance and inspection shall not interfere unreasonably with activities of the Department of the Navy or of the United States Coast Guard.

4. When there is no longer a need for the use of the area hereby reserved, or any portion thereof, for naval purposes of the United States, the Department of the Navy shall so notify the Territory of Hawaii, and shall, upon seasonable request of the Territory, render such area, or such portion thereof, reasonably safe for human habitation, without cost to the Territory.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 20, 1953.

[F. R. Doc. 53-1827; Filed, Feb. 20, 1953; 5:14 p. m.]

EXECUTIVE ORDER 10437

DESIGNATING THE HONORABLE BENJAMIN ORTIZ TO ACT, UNDER CERTAIN CIRCUMSTANCES, AS JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO DURING THE YEAR 1953

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary'", approved June 25, 1948 (62 Stat. 989), I hereby designate and authorize the Honorable Benjamin Ortiz, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of the

(Continued on p. 1053)

CONTENTS

THE PRESIDENT

Executive Orders Page

Designating the Honorable Benjamin Ortiz to act, under certain circumstances, as Judge of the United States District Court for the District of Puerto Rico during the year 1953 1051

Reserving Kahoolawe Island, Territory of Hawaii, for the use of the United States for naval purposes and placing it under the jurisdiction of the Secretary of the Navy 1051

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Secretary; authority to negotiate a contract without advertising (*see* General Services Administration).

Alien Property, Office of

Notices:

Phoenix Building and Loan Association of Newark, N. J.; vesting order 1101

Civil Aeronautics Board

Proposed rule making:

Citizenship requirements for issuance of airman certificates; notice of proposed rule making 1091

Civil Service Commission

Rules and regulations:

Federal employees' pay regulations; step increases; definitions; waiting period 1077

Commerce Department

See National Production Authority.

Defense Department

See Navy Department.

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Communications Commission

Notices:

Hearings, etc.:

Blake, John, et al 1096

Enterprise Co. et al 1094

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 17 ($0.35)

Previously announced: Titles 10–13 ($0.40); Title 18 ($0.35); Title 49: Parts 71 to 90 ($0.45)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued Page

Notices—Continued
- Hearings, etc.—Continued
  - Matheson Radio Co., Inc. (WHDH) et al 1096
  - Merchants & Farmers Station 1096
  - Mid-State Broadcasting Co. and Leroy E. Parsons 1096
  - Ozarks Broadcasting Co. (KWTO) 1094

Proposed rule making:
- Special industrial radio service; further notice of proposed rule making 1091

Rules and regulations:
- Experimental radio services; revision of part 1078
- Practice and procedure; revision of FCC Form 323 1077
- Public safety radio services; special emergency radio service 1087
- Radio broadcast services; table of assignments 1078

Federal Security Agency Page

See Food and Drug Administration.

Food and Drug Administration

Rules and regulations:
- Statements of general policy or interpretation; direct or indirect addition of antibiotic drugs to foods for human consumption 1077

General Services Administration

Notices:
- Secretary of Agriculture; authority to negotiate a contract without advertising 1101

Interior Department

See Land Management, Bureau of.

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Commodity rates between Vee, Ohio and points in the U. S. and Canada 1101
  - Motor-rail-motor rates between points in Massachusetts, Connecticut, and Rhode Island and Harlem River, N. Y. 1101
  - Paper, coated, from Algoma and Menasha, Wis., to Canton, Ohio, Trenton, N. J., and Rochester, N. Y. 1102
- Southern Pacific Co.; rerouting or diversion of traffic 1102

Justice Department

See Alien Property, Office of.

Labor Department

See Wage and Hour Division.

Land Management, Bureau of

Notices:
- Alaska; Seward Townsite; notice of sale 1092

National Production Authority

Rules and regulations:
- Priorities assistance for petroleum and gas industries in the United States and Canada; amendment of delivery order filing requirement (M–46) 1054
- Rules for acquiring carbon conversion steel by petroleum and gas operators for foreign operations; priorities assistance for:
  - Foreign petroleum operations (M–46A, Dir. 3) 1056
  - Petroleum and gas industries in United States and Canada (M–46, Dir. 5) 1055

Navy Department

Reserving Kahoolawe Island, Territory of Hawaii, for the use of the United States for naval purposes and placing it under the jurisdiction of the Secretary of the Navy (*see* Executive Orders).

Rules and regulations:
- Admission of candidates into the Naval Academy as midshipmen 1057

Price Stabilization, Office of Page

Notices:
- Nash Kelvinator; approval of additions attached to letter to dealers, dated February 9, 1953 1093

Rules and regulations:
- Fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection; clarifying amendments (CPR 156) 1054
- Services; dry cleaning in the City of Spokane, Wash. (CPR 34, SR 44) 1053

Production and Marketing Administration

Proposed rule making:
- Milk handling in Neosho Valley marketing area 1090

Rent Stabilization, Office of

Rules and regulations:
- Defense-rental areas; Virginia:
  - Housing 1056
  - Rooms 1056

Securities and Exchange Commission

Notices:
- Hearing, etc.:
  - American Water Works and Electric Co., Inc. et al 1097
  - Appalachian Electric Power Co. et al 1099
  - Atlantic Refining Co. et al 1097
  - Haverhill Electric Co. et al 1099
  - Narragansett Electric Co 1100
  - Narragansett Electric Co. and New England Electric System 1100
  - Niagara Mohawk Power Corp 1098
  - Union Electric Co. of Missouri 1097

Wage and Hour Division

Notices:
- Learner employment certificates; issuance to various industries 1093

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter II (Executive orders):
- 10436 1051
- 10437 1051

Title 5

Chapter I:
- Part 25 1077

Title 7

Chapter IX:
- Part 928 (proposed) 1090

Title 14

Chapter I:
- Parts 20–22 (proposed) 1091
- Parts 24–27 (proposed) 1091
- Parts 33–35 (proposed) 1091
- Part 51 (proposed) 1091

CODIFICATION GUIDE—Con.

Title 21	Page
Chapter I:	
Part 3	1077
Title 32	
Chapter VI:	
Part 710	1057
Title 32A	
Chapter III (OPS):	
CPR 34, SR 44	1053
CPR 156	1054
Chapter VI (NPA):	
M–46	1054
M–46, Dir. 5	1055

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter VI (NPA)—Continued	
M–46A, Dir. 3	1056
Chapter XXI (ORS):	
RR 1	1056
RR 2	1056
Title 47	
Chapter I:	
Part 1	1077
Part 3	1078
Part 5	1078
Part 10	1087
Part 11 (proposed)	1091

office of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as acting judge of the said district court, without extra compensation, in case of vacancy in the office of judge of the said district court, or in case of the death, absence, illness, or other legal disability of the judge thereof, during the year 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 20, 1953.

[F. R. Doc. 53–1836; Filed, Feb. 24, 1953; 9:57 a. m.]

RULES AND REGULATIONS

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Supplementary Regulation 44]

CPR 34—SERVICES

SR 44—DRY CLEANING IN THE CITY OF SPOKANE, WASHINGTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 44 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 44 to Ceiling Price Regulation 34 permits an increase in ceiling prices for dry cleaning services furnished at wholesale and retail by sellers located in the City of Spokane, Washington. A previous ceiling price increase granted to power laundries in the City of Spokane did not include dry cleaning services.

An OPS study of operating costs and profit margins of a representative number of dry cleaning service sellers in the City of Spokane, Washington accounting for approximately 80% of the total volume of sales of these services, which amounted to $1,500,000 in 1951, reveals that they are suffering an impairment of their pre-Korean earnings as a result of increased labor and material costs.

The action taken herein gives effect to the standards for individual price adjustment contained in section 20 (a) of Ceiling Price Regulation 34 and permits the minimum increase necessary to maintain the financial stability of these dry cleaning service sellers and assure continued supply of these essential services.

Under the provisions of this supplementary regulation, ceiling prices of sellers of dry cleaning services may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase". If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the dry cleaning service seller, however, the flat ceiling price for each article may be increased by 5 percent. Adjusted flat ceiling prices must, within 10 days after their determination, be filed with the appropriate OPS district office as required by section 18, as amended, of Ceiling Price Regulation 34. Express authority is granted to make necessary changes in OPS posters.

In the future, sellers subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for dry cleaning services at wholesale and retail under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Sup.

SECTION 1. *Purpose.* This supplementary regulation permits sellers of dry cleaning services furnished at wholesale and retail located in the City of Spokane, Washington to increase their ceiling prices for wholesale and retail dry cleaning services by 5 percent.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34 except as affected by the provisions of this supplementary regulation shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply dry cleaning services at wholesale or retail from locations in the City of Spokane, Washington increase your ceiling prices for the dry cleaning services thus supplied by 5 percent, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer provided you shall clearly write or stamp on each such invoice beside the adjustment the words "OPS permitted price increase". If you use this method of applying your price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the ceiling price of each dry cleaning service article. Within 10 days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18, as amended, of Ceiling Price Regulation 34 and must change your OPS poster prices or prepare and display a new poster to reflect the price increase permitted by this supplementary regulation. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the price increase computed in paragraph (a) or (b) of this section results in a fraction of a cent, the price increase must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller of dry cleaning services at wholesale or retail subject to this supplementary reg-

ulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such dry cleaning services under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices of any seller of dry cleaning services subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34 are hereby revoked upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) "Dry cleaning services" as used in this supplementary regulation means services rendered in the cleaning of garments and other items primarily with fluids other than water and includes pressing.

Effective date. This Supplementary Regulation 44 to Ceiling Price Regulation 34 shall become effective February 24, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 24, 1953.

[F. R. Doc. 53-1849; Filed, Feb. 24, 1953; 11:54 a. m.]

[Ceiling Price Regulation 156, Amdt. 2]

CPR 156—FABRICATED STRUCTURAL STEEL, MISCELLANEOUS AND ORNAMENTAL IRON, AND VESSEL SHOP PRODUCTS FOR FIELD ASSEMBLY OR ERECTION

CLARIFYING AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 156 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 156 clarifies the coverage of that regulation in certain respects.

Pursuant to its section 1 (b) (1), CPR 156 covers all sales by a fabricator of fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection. The term "fabricated structural steel, miscellaneous and ornamental iron and vessel shop products," is defined in the initial paragraph of Appendix A. As amended by Amendment 1, that definition specifically excludes "any standardized product lines, or any products made to the fabricator's specifications, sold from established price lists, or made on a production line basis." Information received by OPS indicates that the quoted exclusory clause created some confusion in the industry. Therefore, it is amended and amplified by this amendment.

One class of products covered by CPR 156 is listed in Appendix A as "Structural steel, light, architectural and miscellaneous iron work * * *." It was not intended to exclude from that class products made of non-ferrous metals, nor was it intended to exclude ornamental metal work which does not qualify as architectural metal work. The description of that class of products is amended accordingly.

After the description of the class of products quoted above, Appendix A lists certain specific products included in that class. To eliminate confusion, that list of specific products is supplemented by this amendment by the addition of other products such as metal joists (open and solid web), studding, partitions, metal roof deck, siding, and windows.

Of course, all these products are covered by CPR 156 only if they meet the requirements of the initial paragraph of Appendix A, that is, if they are custom-engineered and custom-fabricated for field assembly or erection. The fabrication may be performed by independent fabricators, or by producers of mill products or standardized product lines. In the latter case it is necessary to determine (under the applicable OPS regulation) the ceiling price of the mill product or standardized product for sale to an independent fabricator; and in determining the current costs of the fabricated product under CPR 156 the fabricator may not employ, as cost of the mill product or standardized product, a figure in excess of that ceiling price. This requirement follows from the intended meaning of the second sentence of section 3 (b) (2) of CPR 156 which reads: "If you use material obtained from your own production facilities, you may not employ, in determining your current costs, a price in excess of the ceiling price applicable to the sale of such material to an independent fabricator." To remove any possible doubt, this amendment indicates by way of an explanatory insertion that the word "material" in the quoted provision includes mill products and standardized products.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 156 is amended in the following respects:

1. Section 3 (b) (2) is amended by inserting in the second sentence between the words "material" and "obtained" the words: "(including any mill product or standardized product)." That sentence will read: "If you use material (including any mill product or standardized product) obtained from your own production facilities, you may not employ, in determining your current costs, a price in excess of the ceiling price applicable to the sale of such material to an independent fabricator."

2. The last sentence of the first paragraph of Appendix A, as amended, is deleted and the following is added in its place:

Also not included are standard products made to the fabricator's specifications, usually sold from established price lists and made on a production line basis.

(1) The term "standard products made to the fabricator's specification" refers to products built on a repetitive basis to the fabricator's designs without respect to any specific application, the fabricator determining all requirements for production, including selection of materials, the design formula and allowable stresses; such products can be fabricated in advance of sale without necessity of approval of the design or engineering details by the purchaser before sale.

(2) The term "sold from established price lists" refers to sales on the basis of established price lists which are made available through distribution to prospective buyers for their use in purchasing the products listed.

(3) The term "made on a production line basis" refers to quantity production of products which do not have job identification, as opposed to products made on job orders.

3. The item in Appendix A beginning "Structural steel, light, architectural and miscellaneous iron work * * *" is amended to read as follows:

Structural steel, light, ornamental and other metal work. This includes angle irons, fire escapes, balconies, marquees, stairs, bank fixtures, expansion joint or load transferring devices, ladders, walkways and platforms, railings, metal joists (open and solid web), open metal flooring, studding, partitions, metal roof deck and siding, and windows, excluding mill products and standardized product lines.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 156 is effective February 24, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 24, 1953.

[F. R. Doc. 53-1850; Filed, Feb. 24, 1953; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Amendment 1 of February 24, 1953]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

AMENDMENT OF DELIVERY ORDER FILING REQUIREMENT

This amendment to NPA Order M-46 is found necessary and appropriate to promote the national defense and is issued under the authority of the Defense Production Act of 1950, as amended. Consultation with industry representatives in advance of issuance of this amendment has been rendered impracticable due to the fact that it applies to all branches of the petroleum and gas industries.

AMENDATORY PROVISIONS

This amendment affects NPA Order M-46 as last amended September 30, 1952, by removing the requirement that delivery orders must be filed for information and by reducing the number of delivery orders for materials other than controlled materials which must be filed for approval. These changes are made by revising section 8 and Schedule E.

1. Section 8 is amended to read as follows:

SEC. 8. *Filing of delivery orders*—(a) *Introductory.* To obtain priorities assistance, certain delivery orders must be filed for approval. Where a delivery order must be filed for approval, the order must be submitted in duplicate, and an operator may not use any of the priority assistance of this order until there has been returned to him an approved copy of the order. In every instance where a delivery order is submitted for approval, an operator shall prepare a statement of the reasons why assistance is required, containing the following information: (1) the price, quantity, and a detailed description of the material required, including the weight, if controlled material (carbon and alloy steel in tons; copper, aluminum, and stainless steel in pounds); (2) the branch of industry in which the material will be used (see section 2 (e) of this order); (3) the number and date of the delivery order; (4) the date at which delivery must be made or has been promised by the suppliers; (5) the reasons why timely delivery cannot be effected without the assistance requested; (6) the relationship of the materials to operations (specific or actual end use); and (7) the circumstances which justify assistance in the interests of national defense. This statement in duplicate should be submitted with, or as part of, the delivery order. A delivery order need not be filed for approval if priority assistance has been authorized on Forms PAD 15, 17, 17 DP, 26, or 26 LP.

(b) *Filing for approval.* The following delivery orders must be filed for approval: (1) Any delivery order for controlled material if it is in a total amount specified in Item I of Schedule E of this order; and (2) any delivery order for other than controlled material if it is in a total amount specified in Item II of Schedule E.

(c) *Limitation on use of self-authorization for construction operations.* Delivery orders not listed in paragraph (b) of this section need not be filed for approval. Notwithstanding this privilege of self-authorization, no petroleum or gas operator may obtain by self-authorization, for any small construction operation, more than 25 tons of carbon and alloy steel including all types of structural shapes (but not to include more than 2½ tons of alloy steel and no stainless steel) per project per quarter.

2. Schedule E is amended to read as follows:

SCHEDULE E OF NPA ORDER M-46—DOLLAR AMOUNTS OF DELIVERY ORDERS TO BE FILED AS PROVIDED IN SECTION 8

Item I: $500 or more.
Item II: $7,500 or more, or $2,500 or more for any line item, as defined in this order.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 24, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1837; Filed, Feb. 24, 1953; 10:45 a. m.]

[NPA Order M-46, Direction 5 as Amended February 24, 1953]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 5—RULES FOR ACQUIRING CARBON CONVERSION STEEL BY PETROLEUM AND GAS OPERATORS IN THE UNITED STATES AND CANADA

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

EXPLANATORY

NPA Order M-46, Direction 5 of September 5, 1952, is amended to extend the provisions of the direction to include the second calendar quarter of 1953, in addition to the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. *Applicability of other orders.* No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. *Carbon conversion steel for construction operations.* (a) Any operator who has received authorization from the Petroleum Administration for Defense to commence construction of a petroleum or gas project on Form PAD-26 together with a related allotment of carbon steel for the third calendar quarter of 1952, the fourth calendar quarter of 1952, the first calendar quarter of 1953, or the second calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters, for each such approved project, up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project, as provided in paragraph (a) of this section, without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, a domestic operator shall make application to the Petroleum Administration for Defense, Washington 25, D. C., and a Canadian operator shall make application to the Petroleum Division, Department of Defence Production, Toronto, Canada. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. *Orders for carbon conversion steel.* Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified Under Direction 5 to NPA Order M-46

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel production. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production directives and other directives which may

be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect February 24, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1839; Filed, Feb. 24, 1953; 10:45 a. m.]

[NPA Order M-46A, Direction 3 as Amended February 24, 1953]

M-46A—PRIORITIES ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 3—RULES FOR ACQUIRING CARBON CONVERSION STEEL BY PETROLEUM AND GAS OPERATORS FOR FOREIGN OPERATIONS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

EXPLANATORY

NPA Order M-46A, Direction 3 of September 5, 1952, is amended to extend the provisions of the direction to include the second calendar quarter of 1953, in addition to the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Applicability of other orders.
3. Carbon conversion steel for construction operations.
4. Orders for carbon conversion steel.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to provide rules for the acquisition and use of carbon conversion steel without allotments. The direction provides that the only finished carbon conversion steel which may be obtained by petroleum and gas operators without allotments is finished carbon conversion steel for use in approved construction projects. The effect of this is to require that finished carbon conversion steel in the form and shape of oil country tubular goods continue to be acquired only by allotments. "Finished carbon conversion steel" has the same meaning as in CMP Regulation No. 1, Direction 19.

SEC. 2. *Applicability of other orders.* No operator shall acquire any finished carbon conversion steel, including such steel in the form and shape of oil country tubular goods, pursuant to the provisions of Direction 19 to CMP Regulation No. 1, as amended, or Direction 7 to Revised CMP Regulation No. 6, as amended.

SEC. 3. *Carbon conversion steel for construction operations.* (a) Any operator who has received an allotment of carbon steel for a construction project on Form PAD-26A for the third calendar quarter of 1952, the fourth calendar quarter of 1952, the first calendar quarter of 1953, or the second calendar quarter of 1953, may use the allotment symbol identifying such allotment to order for delivery in each of such quarters, for each such project, up to 500 tons of finished carbon conversion steel without charging the related allotment, and use such steel in such project.

(b) To obtain authorization to acquire in excess of 500 tons of finished carbon conversion steel in any such calendar quarter for any such project, as provided in paragraph (a) of this section, without charging the related allotment, or to obtain authorization to acquire finished carbon conversion steel in any amount for any other construction project without charging the related allotment, an operator shall make application by filing an original and three copies with the Office of International Trade. Such application shall describe and state the tonnage of the semifinished and finished conversion product and the name and address of the supplier and the finishing plant.

SEC. 4. *Orders for carbon conversion steel.* Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 of this direction, may place authorized controlled material orders for such steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production directives, and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 3 to NPA Order M-46A

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production directives and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect February 24, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1838; Filed, Feb. 24, 1953; 10:45 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 123 to Schedule A]

[Rent Regulation 2, Amdt. 120 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

Effective October 1, 1952, Item 339 of Schedules A of Rent Regulation 1 and Rent Regulation 2 is changed to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

(339) Arlington County [Revoked].

This deletes item 339 from Schedules A of Rent Regulation 1 and Rent Regulation 2, as a result of a decision of the Emergency Court of Appeals, issued February 10, 1953, in the case of Colonial Apartments, Inc., et al. v. James McI. Henderson, Director of Rent Stabilization, which adjudged that "the provisions of Title II of the Housing and Rent Act of 1947, as amended, and any valid regulations or orders issued thereunder, ceased to be in effect, as applied to Arlington County, Virginia, at the close of September 30, 1952."

[F. R. Doc. 53-1803; Filed, Feb. 20, 1953; 2:19 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 710—ADMISSION OF CANDIDATES INTO THE NAVAL ACADEMY AS MIDSHIPMEN

Part 710 is revised to read as follows:

GENERAL

Sec.
710.1 Nomenclatures.
710.2 Engagement to serve.

NOMINATIONS AND APPOINTMENTS

710.3 Allowance of nominations.
710.4 Additional appointments.
710.5 Selection of candidates by Members of Congress; by Secretary of the Navy.
710.6 Residence of candidates.
710.7 Inquiries relative to appointments and competitive examinations.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

710.8 Course of instruction.
710.9 Disposition after graduation.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

710.10 Age limits; citizenship.
710.11 Moral character.
710.12 Marital status.

METHODS OF ADMISSION

710.13 When candidates may be mentally examined.
710.14 Time and place of examination.
710.15 Separate methods for mental qualifications.
710.16 College certificate method.
710.17 Review work where candidate has failed.
710.18 Preparation of examination papers.
710.19 Limitation upon reexamination.
710.20 Renomination.
710.21 Requirements for second examination.
710.22 Correspondence relative to examinations.
710.23 Time of entrance.
710.24 No annual leave granted first year students.
710.25 Submission of high school or college records.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

710.26 When admission is based on certificate only.
710.27 Evaluation of courses.
710.28 Length of college attendance.
710.29 Accredited colleges, universities, and technical schools.
710.30 Requirements for admission by qualifying certificates.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

710.31 When admission is based on certificate and substantiating examination.
710.32 Rejection of certificate.
710.33 Secondary schools to stand as sponsor when certifying a candidate.
710.34 Definition of units.
710.35 Necessary requirements for acceptance of a certificate.
710.36 Submission of certificate in advance of graduation.
710.37 Decision as to which examination candidate will take.
710.38 Responsibility of nominees.
710.39 Admission by certificate considered a privilege.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

Sec.
710.40 When admission is based on regular examination.
710.41 List of secondary school subjects which can be used for certification (Form II).
710.42 Definition of unit and of ground covered.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

710.43 Definition of mathematics.
710.44 Definition of English.
710.45 Definition of history.

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

710.46 Scope of subjects covered.
710.47 Scope of algebra examination.
710.48 Scope of plane geometry examination.
710.49 Scope of English examination.
710.50 Scope of history examination.

TIME SCHEDULE

710.51 Time schedule; mental examinations.

PHYSICAL REQUIREMENTS

710.52 Introduction.
710.53 Physical standards and disqualifying defects.
710.54 Preliminary physical examination.
710.55 Formal physical examination.
710.56 Physical reexamination.

ENTRANCE PROCEDURE AND EQUIPMENT

710.57 Appointments as midshipmen.
710.58 Execution of loyalty certificate.
710.59 Execution of oath of office.
710.60 Course of training; standing in class.
710.61 Pay of midshipmen.
710.62 Insurance.
710.63 Personal effects.
710.64 Deposit required.
710.65 Credit allowance.
710.66 Mileage allowance.
710.67 Available accommodations for candidates taking formal physical examination.
Appendix A—Course of Instruction 1951–52.

AUTHORITY: §§ 710.1 to 710.67 issued under R. S. 1547; 34 U. S. C. 591. Interpret or apply R. S. 1511–1528, as amended; 34 U. S. C. 1021–1120.

GENERAL

§ 710.1 *Nomenclatures.* The students of the Naval Academy are called Midshipmen. Upon acceptance and execution of the required oath of office, they are issued appointments as Midshipmen in the United States Navy which are signed by the Secretary of the Navy by direction of the President of the United States. All of the sources of nomination for appointment are established by law and no one can be appointed unless duly nominated by or from an authorized source. Furthermore, candidates may not participate in the Naval Academy scholastic entrance examinations normally held beginning on the last Wednesday in March of each year unless they have been duly nominated and are authorized to do so by the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.2 *Engagement to serve.* (a) Section 3 of Public Law 586, Eighty-first Congress (act of Congress approved 30 June 1950) reads as follows:

SEC. 3. Hereafter, each cadet appointed to the United States Military Academy and each midshipman appointed to the United States Naval Academy shall, if a citizen or national of the United States, sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage, unless sooner discharged by competent authority—

(1) To complete the course of instruction at said Academy; and

(2) If tendered an appointment as a commissioned officer in the Regular Army or Regular Air Force upon graduation from the United States Military Academy, or in the Regular Navy or Regular Marine Corps or Regular Air Force upon graduation from the United States Naval Academy, to accept such appointment and to serve under such appointment for not less than three consecutive years immediately following the date of graduation; and

(3) In the event of the acceptance of his resignation from a commissioned status in the Regular component of such armed service prior to the sixth anniversary of his graduation, or in the event of an appointment in such Regular service not being tendered, to accept a commission which may be tendered him in the Reserve component of such Regular service and not to resign from such Reserve component prior to such sixth anniversary.

NOMINATIONS AND APPOINTMENTS

§ 710.3 *Allowance of nominations.* The Vice President and each Senator, Representative, and Delegate in Congress are allowed a maximum of 5 midshipmen at the Naval Academy at any one time. A maximum of 5 midshipmen is allowed for the District of Columbia and each year 75 may be appointed from the United States at large. The appointments from the District of Columbia and 75 each year at large are made by the President. The appointments of midshipmen at large are given by the President to the sons and adopted sons of officers and enlisted personnel of the Regular Army, Navy, Marine Corps, Air Force and Coast Guard for the reason that officers and enlisted personnel, owing to the nature of their duties, are unable to establish permanent residence and thus be in a position to secure nominations for their sons from their Senators and Representatives. Stepsons are not eligible for these appointments. Adopted sons must have been adopted prior to having reached the age of 15 years in order to be eligible. All these candidates are required to take either the substantiating examination or the regular mental examination in competition with each other, the 75 passing highest in the examination receiving the appointments. Applications should be addressed to the Bureau of Naval Personnel, and should give the full name, date of birth, home address, and present address of the candidate, the full name and rank or rating of his parent, and in case of an adopted son evidence should be submitted as to date of adoption. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (a) enlisted men of the United States Navy and Marine Corps, (b) enlisted men of the Naval Reserve or Marine Corps Reserve, or (c) by the President at large, is not filled, the Secretary of the Navy

may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed. The vacancies from the District of Columbia are filled by competitive examination of candidates residing in the District. The selection of candidates, by competitive examination or otherwise for nomination for vacancies in the quota of Senators, Representatives, and Delegates in Congress is entirely in the hands of each Senator, Representative, and Delegate in Congress having a vacancy; and all applications for appointments or inquiries relative to competitive examinations should be addressed accordingly.

§ 710.4 *Additional appointments*—(a) *Appointments by competitive examination from the regular Navy and Marine Corps.* (1) The law authorizes the appointment of 160 enlisted men each year, to be selected as a result of a competitive examination given enlisted men of the regular Navy and Marine Corps who are not more than 22 years of age on July 1 of the year it is desired to enter and who were enlisted in the Navy or Marine Corps on or before July 1 of the preceding year. The mental and physical requirements for these candidates are the same as for other candidates for midshipmen. Briefly, the service requirements are: That the applicant must have enlisted on or before July 1 of the year preceding his possible admission to the Academy. The competitive examinations will commence the last Wednesday in March of each year and will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination being contingent upon the candidate's presenting an acceptable secondary school certificate. Enlisted men who can fulfill the requirements as to age and length of service should make known to their commanding officers early in their enlistments their desire to become candidates for admission to the Naval Academy. The initial selection steps directed by the Bureau of Naval Personnel usually begin in the spring of each year to determine eligibility for assignment to the United States Naval Preparatory School convening in September. Only men assigned to this school are eligible to compete for appointment to the Naval Academy by the Secretary of the Navy. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examination for admission into the Academy and not otherwise appointed. Enlisted men failing in the examinations for midshipmen will be required to serve out their terms of enlistment.

(2) For further information in regard to enlisting in the Navy, candidates should apply to the nearest Navy Recruiting Station.

(b) *Appointments from the enlisted men of the Naval Reserve and the Marine Corps Reserve.* (1) The law authorizes the Secretary of the Navy to appoint each year not more than 160 midshipmen, to be selected as a result of competitive examination of enlisted men of the Naval Reserve and the Marine Corps Reserve, hereinafter referred to as the Reserve. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (i) enlisted men of the United States Navy and Marine Corps, (ii) enlisted men of the Naval Reserve or Marine Corps Reserve, or (iii) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates, from any other of such sources, who were found best qualified on examition for admission into the Academy and not otherwise appointed.

(2) Candidates must be citizens of the United States, must not be more than 22 years of age and have been members of the Reserve for one year by July 1, of the year of entrance to the Naval Academy. In addition, candidates must be members of a unit of the Organized Reserve or members of the Volunteer Reserve in drill status, be recommended by their commanding officers, have maintained efficiency in drill attendance with their Reserve units, and must meet the same mental and physical requirements as other candidates for appointment to the Naval Academy.

(3) Men in Reserve classes NROTC, NACP, and aviation cadet program, are not eligible to enter from the enlisted quotas.

(4) For further information regarding details of enlistment and service thereafter, candidate should apply to the nearest Navy Recruiting Station.

(c) *Appointments from among the sons of deceased officers, soldiers, sailors, and marines of the World War.* (1) An act of Congress approved November 24, 1945 (59 Stat. 586; 34 U. S. C. 1036a), authorizes that the number of midshipmen now authorized by law at the United States Naval Academy be increased by 40 from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action, or have died, or may hereafter die, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents): *Provided,* That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of the Navy: *Provided, further,* That all such appointees are otherwise qualified for admission: *And provided further,* That the appointees under this act shall be selected in order of merit as established by competitive examination. (This law enacted while U. S. Air Force was part of U. S. Army. Therefore, it is construed to include U. S. Air Force.)

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name, rank, and date of death of his parent.

(d) *Appointments from Puerto Rico.* One midshipman is allowed from Puerto Rico, who must be a native of that island. The appointment is made by the President, on the recommendation of the Governor of Puerto Rico. At present, five midshipmen are also allowed from Puerto Rico, appointed on the nomination of the Resident Commissioner.

(e) *Appointments from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department, or by the Navy Department, and the members of the Naval Reserve Officers' Training Corps.* (1) An act of Congress approved June 6, 1941 (55 Stat. 246; 34 U. S. C. 1033a), authorizes the Secretary of the Navy to appoint not more than 20 midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among members of the Naval Reserve Officers' Training Corps.

(2) The 20 appointments authorized in the act of June 6, 1941, will be made as a result of competitive examinations to commence the last Wednesday in March of each year. These examinations will be open to candidates selected in accordance with subparagraph (3) of this paragraph. The Secretary of the Navy has approved the establishing of separate competing groups with a maximum of 10 appointments being allowed from the honor military school nominees and 10 from the Naval Reserve Officers' Training Corps nominees except that in the event less than 10 qualify for appointment from either group the quota of that group may be filled by appointment of excess qualified nominees from the other group. The examinations will consist of either the substantiating examination or the regular entrance examination, eligibility for the substantiating examination being contingent upon the candidate's presenting an acceptable secondary school certificate.

(3) The candidates for the competitive examination outlined in subparagraph (2) of this paragraph will be selected in accordance with the following:

(i) The Navy Department will obtain a list of "honor schools" from the War Department each year, and three honor graduates as defined by the Army Regulations may be designated each year by the head of each such school; similar action will be taken in the case of the

three honor graduates designated by the head of each "honor school" selected by the Navy Department. The candidates from these "honor schools" whose standing indicates that they will be honor graduates of said schools in June of the year in which the examination will be held will also be eligible to be nominated as candidates from such schools to compete in the examination, but will not be considered for appointment in case they do not fulfill the requirements which would entitle them to be honor graduates at the time of their graduation.

(ii) Three candidates may be nominated each year by the president of each of the educational institutions in which a Naval Reserve Officers' Training Corps unit is established. Each such candidate must be a regularly enrolled contract student in the Naval Reserve Officers' Training Corps and must have completed a minimum of 1 year's scholastic work in that corps at the time of entrance to the Naval Academy.

(iii) All students nominated as candidates in accordance with subdivisions (i) and (ii) of this subparagraph must meet the requirements as to age, moral qualifications, etc., as set forth in this part.

(iv) The examinations outlined in subparagraph (2) of this paragraph are the only mental examinations required for entrance into the United States Naval Academy, and examination papers will be marked on a competitive basis. The 10 candidates in each group passing this mental examination with the highest rating will, if physically qualified, be appointed in order of their standing on the list. In case of failure of any of these candidates to pass physically, the candidates passing the examination with a standing below that of the first 10 on each competitive list will be called for physical examination in the order of their mental standing to fill the vacancies caused by physical failure or rejection for any other reason of candidates who have qualified mentally above them on the list.

(f) *Appointment from Canal Zone.* An act of Congress approved June 8, 1939 (53 Stat. 814; 34 U. S. C. 1035a), provides that there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Railroad Co. residing in the Republic of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendation of the Governor of the Panama Canal.

(g) *Qualified alternates and qualified competitors.* An act of Congress approved June 30, 1950 (64 Stat. 305; 34 U. S. C. 1049), provides that when upon determination that upon the admission of a new class to the United States Naval Academy, the total number of midshipmen will be less than the number authorized, the Secretary of the Navy may within his discretion and within the capacity of the Academy nominate additional midshipmen to be admitted in such class in such number to meet the needs of the armed services, but not to exceed the authorized strength of the brigade of midshipmen, from qualified candidates holding alternate appointments and other qualified candidates holding competitive appointments from the remaining sources of admission authorized by law recommended and found to be qualified by the Academic Board of the Academy, at least two-thirds of those so appointed to be from among qualified alternate candidates nominated by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Panama Canal, and not more than one-third of those so appointed to be from among qualified candidates holding competitive appointments from sources authorized by law other than those holding such alternate appointments. This law provides that these appointments shall be in addition to and not in lieu of appointments otherwise authorized by law. The only candidates eligible for consideration under this law are those who were found mentally and physically qualified for admission under alternate or competitive nominations from authorized sources in the year for which they are being considered under the provisions of this act. Special application for consideration is unnecessary because the Academic Board at the Naval Academy will automatically review and classify in order of merit the available records of all candidates in this category in each year that additional admissions are possible.

(h) *Appointments from among the sons of persons who have been or shall hereafter be awarded the Congressional Medal of Honor.* (1) An act of Congress approved November 24, 1945 (59 Stat. 586; 34 U. S. C. 1038), provides that the number of midshipmen authorized by law enacted prior to the enactment of this act at the United States Naval Academy, be increased by such number as may be appointed by the President from the United States at large from among the sons of persons who have been or shall hereafter be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided,* That all such appointees are otherwise qualified for admission.

(2) No recommendation or endorsement from any source is necessary. All applications for appointment or for further information should be addressed to the Chief of Naval Personnel, Navy Department, Washington, D. C. Full name and date of birth of applicant should be given; also full name and rank of person awarded medal.

(i) *Appointments from American Republics (other than the United States) and Canada.* An act of Congress approved July 14, 1941 (55 Stat. 589; 34 U. S. C. 1036–1), as amended by an act approved June 1, 1948 (Pub. Law 564, 80th Cong.; 62 Stat. 279), provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) and Canada to receive instruction at the United States Naval Academy at Annapolis, Md. Not more than three persons from any one of such Republics, or Canada, shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. Application for appointment under the provisions of this law must be addressed to the appropriate naval official of the applicant's country. The following regulations are established for candidates from American Republics (other than the United States) and Canada:

(1) Each such candidate must:

(i) Be an unmarried, bona fide male citizen of the country transmitting the request, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from other American Republics and the Dominion of Canada will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in §§ 710.53 and 710.54 before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying it is recommended that telegraphic inquiry be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., U. S. A.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except as noted under subparagraph 3 of this paragraph. The requirements for citizens of the United States are contained in §§ 710.26 to 710.50.

(2) Candidates may qualify for admission under any of the following three methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

(iii) Regular entrance examination.

(3) The regular entrance examination will be modified as follows with respect to English and history:

(i) Candidates from the American Republics will be given an examination in English similar to that required of a citizen of the United States except that no questions will be asked on English and American literature. These candidates will not be given the examination in United States history. In lieu of the examinations in English and American literature and in United States history, the candidate shall submit a certificate from his Government that he is conversant with the literature and history of his native country and that he has:

(*a*) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(*b*) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(*c*) In lieu of these two certifications, a candidate from an American Republic may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States.

(ii) Candidates from Canada will not be examined in United States history but must meet the same requirement in English as a citizen of the United States. In lieu of the examination in United States history, a candidate from Canada will be required to submit a certificate of equivalent study (a 1-year secondary school course) of the history of Canada, or produce evidence of having acquired the unit for United States history from accredited schools of the United States.

(4) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the candidates' respective native countries. In the latter case, the mental examinations will be taken under the supervision of the naval attaché or, in the event no naval attaché is accredited to the country, a diplomatic representative of the United States, and he shall in the cases of all candidates from other American Republics furnish a report as to the candidates' proficiency in the use of idiomatic English.

(5) Each Government concerned should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in July except in the cases of candidates attending secondary schools and college in the United States whose school records for the current year are essential to fulfillment of admission requirements. In this case candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, ----------, a citizen of ----------, age ------ years ------ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to each foreign government concerned that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

(j) *Appointments from the Republic of the Philippines.* An act of Congress approved June 24, 1948 (Pub. Law 752, 80th Cong.; 62 Stat. 583), provides that the Secretary of the Navy is authorized to permit, upon designation of the President of the United States, not exceeding four Filipinos at a time to receive instruction at the United States Naval Academy at Annapolis, Md. The Filipinos receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. The following regulations are established for candidates from the Republic of the Philippines:

(1) Each such candidate must:

(i) Be an unmarried, bona fide male citizen of the Republic of the Philippines, be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which he enters the Naval Academy.

(ii) Possess physical qualifications as specified in this part. All candidates must undergo a physical examination and a physical aptitude examination by a board of medical examiners designated by the Chief of Naval Personnel. The formal physical examination of candidates from the Republic of the Philippines will be conducted by the Permanent Medical Examining Board at the United States Naval Academy at the time of reporting for admission. Such candidates are therefore urged to undergo careful preliminary examination by qualified medical personnel informed of the physical requirements set forth in §§ 710.53 and 710.54 before leaving their homes for the Naval Academy. Those with obviously disqualifying defects may be spared the needless expense of the trip to Annapolis. However, in case of reasonable doubt as to whether defects are disqualifying, it is recommended that telegraphic inquiry be addressed to the Superintendent, U. S. Naval Academy, Annapolis, Md., U. S. A.

(iii) Be proficient in reading, writing, and speaking idiomatic English and meet the same mental entrance requirements as are required of citizens of the United States except as noted under subparagraph 3 of this paragraph. The requirements for citizens of the United States are contained in §§ 710.26 to 710.50.

(2) Candidates may qualify for admission under any of the following three methods:

(i) Certificates from accredited secondary schools and colleges of the United States of America.

(ii) Certificates from accredited secondary schools of the United States of America and on substantiating examination.

(iii) Regular entrance examination.

(3) The regular entrance examination will be modified as follows with respect to English and history:

(i) Candidates from the Republic of the Philippines will be given an examination in English similar to that required of a citizen of the United States except that no questions will be asked on English and American literature. These candidates will not be given the examination in United States history. In lieu of the examinations in English and American literature and in United States history, the candidate shall submit a certificate from his government that he is conversant with the literature and history of his native country and that he has:

(*a*) In literature, completed a course in the literature of his native language equivalent in general to 2 years of secondary school work in literature in the United States.

(*b*) In history, completed a course in the history of his native country equivalent in general to a 1-year history course in the secondary schools of the United States.

(c) In lieu of these two certificates, a candidate from the Republic of the Philippines may produce evidence of having acquired the units for literature and/or United States history from accredited schools of the United States or of the Republic of the Philippines.

(4) Regular or substantiating examinations for entrance into the United States Naval Academy may be taken either in the United States or in the Philippines. In the latter case, the mental examination will be taken under the supervision of a naval representative or, in the event no naval representative is accredited to the country, a diplomatic representative of the United States, and he shall in the case of each candidate furnish a report as to the candidate's proficiency in the use of idiomatic English.

(5) The Philippine Government should submit the names of candidates as early as possible in order that they may qualify for entrance during the month of March and enter the Naval Academy in July except in the cases of candidates attending secondary schools and colleges in the United States whose school records for the current year are essential to fulfillment of admission re-

quirements. In this case, candidates may be granted until June 25 in order to permit completion of the required certificates. The nomination of the candidate should contain a statement of the method of admission under which he wishes to qualify.

(6) In lieu of the oath of allegiance to the United States, a substitute oath will be required, in substance as follows:

I, _____, a citizen of _____, aged _____ years _____ months, having been appointed a midshipman at the United States Naval Academy, do solemnly swear to comply with all regulations for the police and discipline of the Academy, and to give my utmost efforts to accomplish satisfactorily the required curriculum; do swear not to divulge any information of military value which I may obtain, directly or indirectly, in consequence of my presence at the United States Naval Academy, to any alien government; and do agree that I shall be withdrawn from the United States Naval Academy if deficient in conduct, health, or studies.

(7) Notification shall be made to the Philippine Government that students found by proper authority to be unsatisfactory in conduct, studies, or health would be accorded the same consideration given other midshipmen regarding withdrawal from the Academy, or repetition of a year's work.

§ 710.5 *Selection of candidates by Members of Congress; by Secretary of the Navy.* "Hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if said recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy, there occurs or is about to occur at the Academy a vacancy for any State, district, or Territory that cannot be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine." (Act approved June 29, 1906, 34 Stat. 578; 34 U. S. C. 1041.)

§ 710.6 *Residence of candidates.* (a) Candidates allowed for States, congressional districts, Territories, and the District of Columbia must be actual residents of such States, congressional districts, Territories, or District of Columbia, respectively, from which they are nominated. (R. S. 1517, as amended; 34 U. S. C. 1045.)

(b) The number of alternates that may be nominated for any one vacancy for midshipman shall be restricted to three. Alternates are given the privilege of reporting for mental examination at the same time with the principal. In lieu of a principal and three alternates, four candidates may be nominated to take the regular entrance examination on a competitive basis, the one passing highest to receive the principal appointment. Regardless of method of qualifying mentally the number of candidates designated for any one vacancy must be limited to four.

§ 710.7 *Inquiries relative to appointments and competitive examinations.* (a) The selection of candidates, by competitive examination or otherwise, for nomination from any congressional district, is entirely in the hands of the Member of Congress entitled to make the nomination, and all applications for appointment or inquiries relative to competitive examinations should be addressed to the Congressman representing the congressional district in which the vacancy exists.

(b) As soon as nominated, a copy of these entrance regulations will be forwarded direct to each candidate in order that he may be fully informed regarding service requirements and the mental and physical qualifications of candidates. A syllabus of the first year's work at the Naval Academy is shown in Appendix A, following § 710.67, to enable each candidate to spend his time profitably at his local school and thus be better prepared to pursue the course at the Naval Academy after appointment.

(c) The Naval Academy entrance examinations, both substantiating and regular, are held commencing the last Wednesday in March of each year. The United States Naval Academy aptitude test, which is required of all candidates, is given on the first day of the entrance examinations. (See § 710.51.) However, it is the policy of some Senators and Representatives to have the United States Civil Service Commission hold special competitive examinations at times other than as stated, for the purpose of enabling them to select their nominees. These special competitive examinations have no bearing upon the candidates' mental qualifications for admission as midshipmen, as the Naval Academy requirements must also be met. All of the details concerning the special competitive examinations are handled by the Senator or Representative concerned and the United States Civil Service Commission in Washington, and correspondence relative thereto should be addressed accordingly.

COURSE OF INSTRUCTION AND DISPOSITION OF MIDSHIPMEN AFTER GRADUATION

§ 710.8 *Course of instruction.* The course for midshipmen is of 4 years' duration. Instruction, drills, and exercises are designed to provide them with a basic education and knowledge of the naval profession and to prepare them for the duties of a junior line officer of the Navy. High and exacting academic standards prevail. Only candidates who are equipped to assimilate rapidly, who possess retentive memories, and are capable of intense application may reasonably expect to complete the course.

§ 710.9 *Disposition after graduation.* Graduates of the Naval Academy who at graduation meet all requirements are commissioned as ensigns in the Navy and from each graduating class a limited number may be commissioned as second lieutenants in the Marine Corps and in the United States Air Force. Their commissions may be revoked at any time during the first 3 years following graduation from the Naval Academy. On successful completion of the probationary period, officers are permanently commissioned. Officers whose commissions are revoked shall be discharged from the service, without advance pay or allowances.

AGE, MORAL, AND CITIZENSHIP REQUIREMENTS; MARRIAGE

§ 710.10 *Age limits; citizenship.* (a) All candidates are required to be citizens of the United States and must be not less than 17 years of age nor more than 22 years of age on July 1 of the calendar year in which they enter the Naval Academy. (64 Stat. 304; 34 U. S. C. 1047.)

(b) If the candidate has not reached his seventeenth birthday on or before July 1, or if he will have reached his twenty-second birthday on or before July 1 of the calendar year in which he expects to enter the Naval Academy, he will be ineligible for admission.

§ 710.11 *Moral character.* Candidates must be of good moral character. No candidate who has been dismissed in accordance with the act of Congress of April 9, 1906, (34 Stat. 104; 34 U. S. C. 1062) or who is permitted to resign in lieu of dismissal, shall be reappointed or allowed to reenter the Naval Academy.

§ 710.12 *Marital status.* No person who is married, or who has been married, shall be admitted as a midshipman to the Naval Academy. Midshipmen shall not marry, and any midshipman who becomes married or who is found to be married shall be recommended for discharge.

METHODS OF ADMISSION

§ 710.13 *When candidates may be mentally examined.* "All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class unless recommended by the board of examiners." (Rev. Stat., sec. 1515; 34 U. S. C. 1043.) (This refers to mental examinations.)

§ 710.14 *Time and place of examination.* (a) Mental examinations for ad-

mission to the Naval Academy will be held only in March of each year. The examinations will begin on the last Wednesday in that month. The substantiating examination will be completed in 2 days whereas the regular entrance examination will require 2½ days. A United States Naval Academy aptitude test, which requires no special preparation, will be included with each type of examination. Those candidates who intend to qualify for admission by the college certificate method will be required to take the United States Naval Academy aptitude test on the last Wednesday in March. (College certificate candidates who do not receive nominations in time to take the aptitude test on the last Wednesday in March will be given the test after their arrival at the Naval Academy if otherwise qualified for admission as midshipmen.) The examinations will be under the supervision of the United States Civil Service Commission, at points named in the accompanying list. All those qualifying mentally and physically, who are entitled to appointment, in order of nomination, will be notified by the Bureau of Naval Personnel when to report to the Academy for appointment as midshipman.

(b) Candidates may be examined at any of the places named in the accompanying list. If a candidate has been authorized to report for mental examination at any one of the points given below, the place may be changed to any other point on the list at the request of the candidate.

Alabama: Anniston, Birmingham, Decatur, Demopolis, Dothan, Eufaula, Florence, Gadsden, Huntsville, Marion, Mobile, Montgomery, Opelika, Selma, Tuscaloosa, Tuskeege Institute.

Alaska: Anchorage, Cordova, Fairbanks, Juneau, Ketchikan, Nome, Steward, Sitka.

Arizona: Douglas, Flagstaff, Globe, Holbrook, Kingman, Nogales, Phoenix, Prescott, Safford, Tucson, Yuma.

Arkansas: Camden, Fayetteville, Fort Smith, Harrison, Helena, Hot Springs, Jonesboro, Little Rock, Mena, Newport, Pine Bluff, Russellville, Texarkana.

California: Alturas, Bakersfield, Bishop, Chico, China Lake, El Centro, Eureka, Fresno, Indio, King City, Long Beach, Los Angeles, Merced, Monterey, Oakland, Pasadena, Pomona, Port Hueneme, Redding, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Luis Obispo, Santa Ana, Santa Barbara, Santa Cruz, Santa Monica, Santa Rosa, Stockton, Ukiah, Vallejo,

Canal Zone: Balboa Heights.

Colorado: Boulder, Canon City, Colorado Springs, Denver, Durango, Fort Collins, Fort Morgan, Glenwood Springs, Grand Junction, Greeley, La Junta, Leadville, Monte Vista, Montrose, Pueblo, Sterling, Trinidad.

Connecticut: Bridgeport, Danbury, Hartford, Middletown, New Haven, New London, Waterbury, Willimantic.

Delaware: Dover, Wilmington.

District of Columbia: Washington.

Florida: Daytona Beach, Fort Myers, Gainesville, Jacksonville, Key West, Lake City, Lakeland, Miami, Ocala, Orlando, Pensacola, Tallahassee, Tampa, West Palm Beach.

Georgia: Albany, Americus, Athens, Atlanta, Augusta, Brunswick, Columbus, Dublin, Fitzgerald, Gainesville, Macon, Rome, Savannah, Thomasville, Valdosta, Waycross.

Hawaii: Hilo, Honolulu.

Idaho: Boise, Couer d'Alene, Orangeville, Idaho Falls, Lewiston, Moscow, Pocatello, Sandpoint, St. Anthony, Twin Falls, Weiser.

Illinois: Alton, Aurora, Belleville, Bloomington, Cairo, Carbondale, Centralia, Chicago, Danville, Decatur, East St. Louis, Effingham, Freeport, Galena, Galesburg, Harrisburg, Jacksonville, Joliet, Kankakee, Mount Carmel, Peoria, Quincy, Rockford, Rock Island, Savannah, Springfield, Staunton, Streator, Urbana, Waukegan.

Indiana: Angola, Bloomington, Evansville, Fort Wayne, Hammond, Indianapolis, Jeffersonville, La Fayette, Marion, Muncie, Richmond, South Bend, Terre Haute, Valparaiso., Vincennes.

Iowa: Ames, Atlantic, Burlington, Cedar Rapids, Cherokee, Clinton, Council Bluffs, Creston, Davenport, Decorah, Denison, Des Moines, Dubuque, Fort Dodge, Iowa City, Knoxville, Marshalltown, Mason City, Mount Pleasant, Ottumwa, Shenandoah, Sioux City, Spencer, Waterloo.

Kansas: Concordia, Dodge City, Emporia, Fort Scott, Garden City, Goodland, Great Bend, Hayes, Junction City, Kansas City, Lawrence, Leavenworth, Liberal, Manhattan, Norton, Parsons, Pittsburg, Pratt, Salina. Topeka, Wichita.

Kentucky: Ashland, Bowling Green, Covington, Hopkinsville, Lebanon, Lexington, London, Louisville, Madisonville, Middlesboro, Owensboro, Paducah, Paintsville, Somerset.

Louisiana: Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport.

Maine: Augusta, Bangor, Bath, Calais, Caribou, Fort Kent, Houlton, Lewiston, Portland, Rockland, Waterville.

Maryland: Annapolis, Baltimore, Cumberland, Easton, Hagerstown, Salisbury.

Massachusetts: Boston, Brocton, Fall River, Fitchburg, Greenfield, Haverhill, Holyoke, Hyannis, Lawrence, Lowell, New Bedford, Northampton, Pittsfield, Salem, Springfield, Worcester.

Michigan: Alpena, Ann Arbor, Battle Creek, Big Rapids, Cadillac, Cheboygan, Detroit, Escanaba, Flint, Grand Rapids, Houghton, Ironwood, Jackson, Kalamazoo, Lansing, Manistee, Marquette, Muskegon, Petoskey, Port Huron, Saginaw, St. Joseph, Sault Ste. Marie, Traverse City.

Minnesota: Austin, Bemidji, Brainerd, Crookston, Duluth, Ely, Fairmont, Fergus Falls, Glenwood, Grand Rapids, Hibbing, International Falls, Menkato, Minneapolis, Montevideo, Northfield, Pipestone, Rochester, St. Cloud, St. Paul, Thief River Falls, Virginia, Wilmar, Winona.

Mississippi: Biloxi, Brookhaven, Clarksdale, Columbus, Corinth, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Natchez, Oxford, Starkville, Tupelo, Vicksburg, West Point.

Missouri: Cape Girardeau, Chillicothe,, Columbia, Farmington, Hannibal, Jefferson City, Joplin, Kansas City, Kirksville, Maryville, Moberly, Nevada, Poplar Bluff, Rolla, St. Joseph, St. Louis, Sedalia, Springfield, Warrensburg, West Plains.

Montana: Billings, Bozeman, Butte, Glasgow, Glendive, Great Falls, Havre, Helena, Kalispell, Lewistown, Miles City, Missoula, Plentywood.

Nebraska: Alliance, Beatrice, Broken Bow, Chadron, Columbus, Fremont, Grand Island, Hastings, Kearney, Lincoln, McCook, Nebraska City, Norfolk, North Platte, Omaha, O'Neill, Scottsbluff, Sidney, Superior, Valentine, York.

Nevada: Elko, Ely, Fallon, Las Vegas, Reno, Tonopah, Winnemucca.

New Hampshire: Berlin, Claremont, Concord, Durham, Hanover, Keene, Laconia, Manchester, Plymouth, Portsmouth.

New Jersey: Asbury Park, Atlantic City, Camden, Elizabeth, Lakewood, Long Branch, Newark, New Brunswick, Paterson, Trenton.

New Mexico: Albuquerque, Clayton, Clovis, Deming, Gallup, Las Cruces, Las Vegas, Raton, Roswell, Santa Fe, Silver City, Tucumcari.

New York: Albany, Batavia, Binghamton, Buffalo, Dunkirk, Elmira, Glens Falls, Hempstead, Hornell, Ithaca, Jamestown, Kingston, Malone, Middletown, Newburgh, New York, Ogdensburg, Olean, Oneonta, Oswego, Plattsburg, Poughkeepsie, Riverhead, Rochester, Saranac Lake, Schenectady, Syracuse, Troy, Utica, Watertown, Yonkers.

North Carolina: Asheville, Chapel Hill, Charlotte, Durham, Gastonia, Goldsboro, Greensboro, Hickory, New Bern, Raleigh, Rocky Mount, Salisbury, Washington, Wilmington, Winston-Salem.

North Dakota: Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Harvey, Jamestown, Kenmore, Mandan, Minot, New Rockford, Oakes, Valley City, Wahpeton, Williston.

Ohio: Akron, Ashtabula, Athens, Canton, Chillicothe, Cincinnati, Cleveland, Columbus, Dayton, Ironton, Lima, Mansfield, Marietta, Portsmouth, Sandusky, Steubenville, Toledo, Youngstown, Zanesville.

Oklahoma: Ada, Altus, Ardmore, Bartlesville, Chickasha, Enid, Guthrie, Hobart, Hugo, Lawton, McAlester, Muskogee, Oklahoma City, Okmulgee, Ponca City, Shawnee, Stillwater, Tulsa, Vinita, Watonga, Woodward.

Oregon: Astoria, Baker, Bend, Coos Bay, Corvallis, Eugene, Klamath Falls, La Grande, Medford, Pendleton, Portland, Roseburg, Salem, The Dalles.

Pennsylvania: Altoona, Bethlehem, Chambersburg, Dubois, Easton, Erie, Harrisburg, Johnstown, Kittanning, Lancaster, Oil City, Philadelphia, Pittsburgh, Pottsville, Reading, Scranton, State College, Sunbury, Uniontown, Warren, Wellsboro, Wilkes-Barre, Williamsport, York.

Puerto Rico: Mayaguez, Ponce, San Juan.

Rhode Island: Narragansett, Newport, Providence, West Warwick.

South Carolina: Aiken, Anderson, Beaufort, Camden, Charleston, Cheraw, Chester, Clemson, Columbia, Florence, Georgetown, Greenville, Greenwood, Orangeburg, Rock Hill, Spartanburg, Sumter, Union.

South Dakota: Aberdeen, Brookings, Chamberlain, Deadwood, Hot Springs, Huron, Lemmon, Madison, Milbank, Mitchell, Mobridge, Pierre, Rapid City, Redfield, Sioux Falls, Sturgis, Watertown, Winner, Yankton.

Tennessee: Athens, Bristol, Chattanooga, Clarksville, Columbia, Elizabethton, Jackson, Johnson City, Knoxville, Memphis, Nashville, Paris, Union City.

Texas: Abilene, Amarillo, Austin, Beaumont, Big Spring, Brownsville, Brownwood, Bryan, Cameron, Childress, Cisco, Clarendon, Corpus Christi, Corsicana, Dalha, Dallas, Del Rio, El Paso, Fort Worth, Galveston, Greenville, Houston, Huntsville, Laredo, Longview, Lubbock, Lufkin, Marfa, McKinney, Palestine, Pampa, Paris, Pecos, Perryton, San Angelo, San Antonio, San Benito, Shamrock, Sherman, Tyler, Waco, Wichita Falls.

Utah: Cedar City, Logan, Ogden, Provo, Salt Lake City.

Vermont: Brattleboro, Burlington, Middlebury, Montpelier, Newport, Rutland, St. Albans, St. Johnsbury.

Virginia: Abingdon, Alexandria, Blacksburg, Bristol, Charlottesville, Clifton Forge, Harrisonburg, Lynchburg, Norfolk, Richmond, Roanoke, Staunton, Winchester.

Washington: Aberdeen, Bellingham, Chehalis, Everette, Longview, Olympia, Pasco, Port Angeles, Port Townsend, Pullman, Raymond, Seattle, Spokane, Tacoma, Vancouver, Walla Walla, Wenatchee, Yakima.

West Virginia: Bluefield, Charleston, Clarksburg, Elkins, Grafton, Hinton, Huntington, Martinsburg, Morgantown, Parkersburg, Wheeling.

Wisconsin: Appleton, Ashland, Eau Claire, Fond du Lac, Green Bay, Janesville, La Crosse, Madison, Marinette, Milwaukee, Rhinelander, Sheboygan, Stevens Point, Superior, Wausau.

Wyoming: Casper, Cheyenne, Cody, Evanston, Jackson, Lander, Laramie, Rawlins, Rock Springs, Sheridan.

§ 710.15 *Separate methods for mental qualifications.* There are three separate and distinct methods of qualifying mentally for admission to the Naval Academy and candidates are required to indicate the method by which they propose to qualify on a special form which will be provided by the Bureau of Naval Personnel. This information is essential as it is necessary that arrangements be made for mental examinations when required.

(a) Certificate only. §§ 710.26 to 710.30.

(b) Certificate and substantiating examination. §§ 710.31 to 710.39.

(c) Regular entrance examination. § 710.40.

§ 710.16 *College certificate method.* Only noncompetitive candidates can utilize the college certificate method (certificate only) of qualifying. All candidates, however, must take the United States Naval Academy Aptitude Test—a test that requires no special preparation. There is no prescribed passing score on the aptitude test but a candidate who does not present acceptable secondary school or college credit in physics or chemistry will be required to demonstrate by performance in the "U. S. Naval Academy Aptitude Test" his capacity to pursue studies along engineering and scientific lines. This test will be given at the same time and at the same places it is given to candidates taking the regular and substantiating examinations. (See § 710.14 and § 710.51.) Candidates accepted for admission to the Naval Academy under the college certificate method whose appointments were made too late to take the "United States Naval Academy Aptitude Test" in March will take it after admission. Any other candidate, regardless of the source of his nomination, who can present an acceptable secondary school certificate, the requirements for which are outlined elsewhere in this part, will be eligible to take the substantiating examination in algebra, plane geometry, and English. The only exception to this statement would occur in case a Member of Congress specified that his nominees take the full regular entrance examination. Those candidates who cannot present acceptable secondary school certificates may qualify only by passing the regular entrance examinations in all of the subjects listed in § 710.40. Secondary school and college credits may be combined to establish an acceptable secondary certificate. In determining the order of merit of successful candidates from any of the purely competitive sources such as Presidential nominees, those from the Navy and Marine Corps, those from the Naval and Marine Corps Reserves, those from honor military schools and Naval Reserve Officers' Training Corps units, etc., and those who are specifically required by the Member of Congress nominating them to take the Naval Academy entrance examinations on a competitive basis, the arithmetic average of the three marks received in algebra, plane geometry, and English will be used. Candidates who must also submit to examination in United States History must receive at least a passing mark in that subject but it will not be used in determining relative standing in competitive lists.

§ 710.17 *Review work where candidate has failed.* (a) In case a candidate has failed on either the regular examination or the substantiating examination and submits a certificate subsequent to such failure, the following determines the consideration of such certificates: "Credits claimed for subjects on a certificate by a candidate who has registered a failure in those subjects on a regular or substantiating examination cannot be allowed. To overcome the certain disallowance of such credits the submitted certificate must show that the subjects on which he failed have been reviewed at some duly accredited school subsequent to such failure. Such review work must be done in regular school course and the marks assigned must meet the requirements of the academic board." Postgraduate work in secondary school or college work in advanced related branches of the failed subject or subjects may be offered in lieu of review work.

(b) The academic board has established 60 clock hours of classroom work as its minimum for a half year's work in secondary school and 120 clock hours as its minimum for a full year's work. In regard to college work, the board requires approximately 50 clock hours, or 3 semester hours of credit, for a half year's work and 100 clock hours, or 6 semester hours, for a full year's work.

§ 710.18 *Preparation of examination papers.* The examination questions used in all examinations are prepared by the Educational Testing Service under the direction of the Naval Academy and the result for each candidate is finally passed upon by the academic board. No candidate shall be admitted unless in the opinion of the academic board, he shows the requisite mental qualifications. To aid the academic board in evaluating the candidate's demonstration of these requisite mental qualifications a United States Naval Academy aptitude test will be given to each candidate participating in the entrance examinations. There is no passing or failing score for the United States Naval Academy aptitude test and no one will be disqualified because of this test score alone unless he has failed to offer acceptable secondary school or college credit in physics or chemistry. Certification of such credit or of evidence that an acceptable course in either science is being pursued and scheduled for completion at the end of the current regular school year must be submitted to the Naval Academy on or before the last Wednesday in March.

§ 710.19 *Limitation upon reexamination.* A candidate who fails either the substantiating examination or the regular entrance examination and who is renominated for admission in a subsequent year must take the full regular entrance examination unless all requirements for the reestablishment of certificate credits are fulfilled.

§ 710.20 *Renomination.* Candidates who have successfully passed the regular entrance examination or who have qualified for admission by either of the certificate methods of qualifying mentally will not be required again to qualify mentally in the event of renomination. The only exceptions to this rule are as stated in § 710.21 and in cases in which candidates are required to compete for appointments.

§ 710.21 *Requirements for second examination.* Former midshipmen who may be nominated for readmission to the Naval Academy, and who were deficient in the academic work of the first year of the course at the time of separation, must take the United States Naval Academy aptitude test and requalify scholastically by passing the substantiating entrance examinations in English and mathematics.

§ 710.22 *Correspondence relative to examinations.* The Civil Service Commission merely conducts the examination of candidates whose names have been furnished by the Navy Department. All correspondence relative to the nomination and examination of candidates should be addressed to the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.23 *Time of entrance.* Candidates will be required to enter the academy immediately after passing the prescribed mental and physical examinations, or at such times as the Secretary of the Navy may designate. Normally, candidates are required to report for admission the first week in July. Notification of the date and hour of reporting will be issued each eligible candidate by the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.24 *No annual leave granted first year students.* Annual leave of absence during the summer will not be granted to midshipmen of the fourth class (first year students).

§ 710.25 *Submission of high school or college records.* Immediately upon its acceptance of the nomination of a candidate, the Bureau of Naval Personnel will send him the Naval Academy certificate forms and other pertinent papers. The high school record, and college record, if any, should be submitted to the Naval Academy at the earliest practicable date on the appropriate certificate forms. Certificates should include all entries required by the form covering work that has been completed and should list subjects scheduled for completion in the current school year with information to indicate the ultimate credit value of each incomplete or proposed course. Regardless of whether or not a candidate is a high school graduate or whether or not he wishes to qualify by one or the other of the certificate methods, he should have his school records submitted. Such certificates will establish whether or not the candidate has or will have acceptable credit in physics or chemistry and will thus enable the academic board to determine the measure of perform-

ance to be required on the United States Naval Academy aptitude test. Acceptable evidence of credit in physics or chemistry must reach the Superintendent, United States Naval Academy, Annapolis, Md., on or before the last Wednesday in March in order for the candidate to be exempted from the requirement that he achieve the required level of performance on the aptitude test. This exemption may also be granted when it is shown that an acceptable course in physics or chemistry is in progress and is scheduled for completion at the end of the regular school year in which the entrance examination is taken.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE ONLY

§ 710.26 *When admission is based on certificate only.* The academic board will consider and may admit without mental examination (except for the United States Naval Academy aptitude test, § 710.16) a candidate who presents a properly attested certificate (Form I) that he is or has been a regularly enrolled student in good standing without condition in a university, college, or technological school accredited by the United States Naval Academy, *Provided,* That:

(a) He submits also a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in § 710.41. If some of the necessary 15 units are lacking from the candidate's secondary school record, the deficiency may be made up by showing completion of acceptable college work in the lacking subject or subjects. College credits used for the purpose of making up deficiencies in the secondary school certificate must, however, be in excess of the minimum requirements for an acceptable college certificate.

(b) At the time of entry into the Naval Academy he will have satisfactorily completed a year's work in the university, college or technological school, with a minimum of 24 semester hours in English, natural science, social science, or languages, at least 6 of which shall be in college English and/or history, and 6 shall be in college mathematics, selected from such subjects as college algebra, plane trigonometry, analytical geometry, calculus, differential equations, etc.

(c) He has taken the United States Naval Academy aptitude test. (College certificate candidates who do not receive nominations in time to take the aptitude test on the last Wednesday in March may be given the test after their arrival at the Naval Academy if otherwise qualified for admission as midshipmen.)

(d) (1) If Form I shows low or barely passing grades, the candidate may be required to take the substantiating examination in mathematics and English.

(2) In the event that Form II is also unacceptable, the candidate will be required to take the regular entrance examination.

§ 710.27 *Evaluation of courses.* It is the policy of the Naval Academy to evaluate the courses offered in the college certificate in terms of semester hours. A semester hour of credit implies that, in addition to outside preparation, the subject has required one classroom recitation of approximately 1 hour in length each week for a semester of not less than 16 weeks; or one double-length laboratory or practical work period for the same length of time. In general, where this definition is approximated, it is the policy to abide by the credit values indicated by the certifying institutions.

§ 710.28 *Length of college attendance.* The length of college attendance prescribed is defined as requiring actual full-time attendance for one regular school year during which the candidate pursues courses constituting a normal year load. Deficiencies not in excess of nine semester hours of credit may be made up as the result of regular class work in extension classes of fully accredited colleges and universities provided such work is in excess of the normal year of college work. Extension classes are defined as classes which meet beyond regular day school hours. Under no circumstances will credit be allowed for correspondence or tutoring work or for a subject for which credit has been established as the result of an examination alone.

§ 710.29 *Accredited colleges, universities, and technical schools.* The Naval Academy does not maintain a restricted list of accredited colleges, universities, and technological schools. It accredits, for certification purposes, any of the standard colleges, universities, technological schools of collegiate rank and 2-year junior colleges that are fully and unqualifiedly accredited by the various State boards of education which prescribe collegiate standards in their respective states, or by any of the recognized accrediting agencies such as the Association of American Universities, the New England Association of Colleges and Secondary Schools, the Association of Colleges and Secondary Schools of the Middle States and Maryland, the Association of Colleges and Secondary Schools of the Southern States, the North Central Association of Colleges and Secondary Schools, and the Northwest Association of Secondary and Higher Schools. In case of doubt as to the accredited status of the institution under consideration, specific inquiry should be addressed to the Superintendent, United States Naval Academy, Annapolis, Md., giving the name of the institution.

§ 710.30 *Requirements for admission by qualifying certificates.* (a) A nominee who contemplates qualifying by certificate only but who has not completed the required year of college work at the time of receipt of nomination for appointment should submit his high school record on the prescribed form and should have a preliminary college certificate (Form I) submitted showing the courses contemplated or in progress and the amount of credit in semester hours to be assigned for each course. For instance, a college certificate submitted at the end of the first semester should show the first semester grade for each course and should indicate the courses to be pursued during the second semester and the amount of credit to be assigned eventually for each. A certificate submitted prior to the receipt of any grades should indicate the courses to be pursued during the full school year and the credit value of each course.

(b) When review of a nominee's secondary school and college certificates discloses that the secondary record is acceptable and that the college record through the first semester or first two quarters meets requirements as to subjects studied and grades received with formal acceptance dependent only upon satisfactory completion of the final term's courses, tentative acceptance will be reported. Acceptance of the college certificate will become final upon receipt of a supplementary statement from the college registrar or other authorized official attesting satisfactory standing in studies and conduct during the final term. Further, it is not required that the college certificate be formally accepted by the academic board before the examination date of the last Wednesday in March.

(c) If an informal opinion is rendered which involves modification of the nominee's schedule of courses, or if the quality of his work is such that special additional requirements must be imposed, it will be the responsibility of the nominee to decide whether he is to take any mental examination other than the United States Naval Academy aptitude test. The decision of the nominee should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

(d) If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personnel an authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it when he reports.

(e) It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for admission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy.

(f) The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON CERTIFICATE AND SUBSTANTIATING EXAMINATION

§ 710.31 *When admission is based on certificate and substantiating examination.* The academic board will consider and may admit a candidate: *Provided,* That:

(a) He submits a properly attested certificate (Form II) that he has been graduated from an accredited secondary school, indicating that he has shown proficiency in 7 units of certain required subjects and in at least 8 units of optional subjects. These subjects are listed in § 710.41. However, if some of the necessary 15 units are lacking from the candidate's secondary school record, the deficiency may be made up by transferring credits assigned for acceptable college work in the lacking subject or subjects to the secondary school record.

(b) The certificate is accepted by the academic board as evidenced that the candidate can pursue successfully the course at the Naval Academy.

(c) This evidence is further substantiated by the candidate's passing the entrance examinations in algebra, plane geometry, and English. The examination in these three subjects is known as the substantiating examination. The United States Naval Academy aptitude test will also be included with the substantiating examination. The scope of the subjects covered in the substantiating examination is given in §§ 710.46 to 710.49.

(d) Candidates whose certificates are rejected because of low grades or who for reasons mentioned in § 710.32 cannot qualify for admission to the Naval Academy by passing the substantiating examination have the right to demonstrate their qualifications by passing the regular entrance examination.

§ 710.32 *Rejection of certificate.* (a) If the certificate (Form II) submitted shows evidence of low grades, or of grades below the standards of acceptance set by higher institutions to which the certifying school is accredited, the certificate will be rejected.

(b) A certificate showing graduation at an irregular date will be rejected; that is, at a date other than the regular date set for the graduation of a class of which the applicant is a member.

(c) When the credits submitted have been obtained in more than one secondary school, it is advisable to have the credits and marks obtained at the previous school reported to the later school for incorporation in the final certificate. If this is impracticable, the candidate will be permitted to forward certificates from each institution to be judged together.

§ 710.33 *Secondary school to stand as sponsor when certifying a candidate.* The secondary school certifying a candidate stands sponsor for his success under conditions explained on the official Form II certificate, and it is expected that the responsible school authority will recommend only those candidates who, in his or her opinion, have the scholastic background needed to pursue successfully a difficult college course in which the emphasis is placed principally on engineering subjects; and who have those qualities of character necessary for success in an institution where training for effective leadership is of paramount importance.

§ 710.34 *Definition of unit.* In order to facilitate the comparison of credits submitted by various institutions, in fulfillment of admission requirements with one another, the academic board has given its approval to the following statement formulated by the National Conference Committee on Standards of Colleges and Secondary Schools descriptive of a unit of admission requirements:

A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work.

This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high school course as a basis and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than one hundred and twenty 60-minute periods or their equivalent. Schools organized on any other than a 4-year basis can, nevertheless, estimate their work in terms of this unit. Not more than 1½ units of credit can be allowed for work done in fully accredited night high schools or in fully accredited schools of comparable character where the classes meet other than in regular day school hours. No credit will be allowed in a certificate, or as evidence of review to offset low grades or a failure on the entrance examinations, for work done in correspondence courses, under a tutor, or in nonaccredited schools.

§ 710.35 *Necessary requirements for acceptance of a certificate.* The acceptance or rejection of a certificate will depend on the evidence it shows as to the thorough completion of the work submitted. The records made in the Academy by midshipmen admitted by certificate will influence the academic board in its future consideration of certificates submitted by the schools or colleges from which these midshipmen come. Final decision as to the acceptance or rejection of any certificate rests with the academic board. A certificate will not be formally considered unless submitted on one of the appropriate forms, except that official college transcript forms may be used for record of academic work when attached to Form I certificate. All work essential to the acceptance of the certificate or certificates must have been completed by the end of the regular school year in order to establish eligibility for admission to the Naval Academy in that year. Summer School work will not be accepted for entry in the year in which it is completed. High school and college certificates should be submitted to the Superintendent of the Naval Academy as early as practicable, and not later than June 25 for the class entering that year (§ 710.36). As soon as nominated each candidate will receive copies of the certificate forms from the Bureau of Naval Personnel. For additional forms, address the Bureau of Naval Personnel, Navy Department, Washington, D. C.

§ 710.36 *Submission of certificate in advance of graduation.* (a) Certificate or certificates covering high school work still uncompleted will be reviewed informally and the nominee will be furnished a report of the academic board's action in his case. This report will indicate clearly necessary further steps, if any, on his part to complete his certificate papers. If certificates are fully acceptable and require no further evidence of school work, no other action on his part will be necessary with regard to school records and he will be so informed.

(b) A certificate submitted for a nominee who has additional subjects in a course for which final marks have not been assigned should indicate clearly the subjects that are still being pursued together with an average of the marks assigned in each subject in course at the time of the submission of the certificate.

§ 710.37 *Decision as to which examination candidate will take.* (a) If an informal opinion is rendered which involves modification of his schedule of courses or if the quality of his work is such that special additional requirements must be imposed, it will be the nominee's responsibility to decide whether to take the full regular entrance examination. The nominee's decision, naturally, should depend upon his ability to effect such changes as may be necessary in his courses or, as the case may be, upon his own estimate of his ability to meet such other specific requirements as may have been imposed.

(b) When review of the secondary school record reveals that subjects studied and grades received fulfill requirements and that formal acceptance of the certificate is dependent only upon successful completion of courses in progress in the final semester, tentative acceptance will be reported. In such case, acceptance of the certificate will become final upon receipt of a supplementary statement from the school attesting satisfactory standing in studies and conduct during the final semester. The statement must also include indication of eligibility for graduation and the secondary school diploma unless evidence of graduation was presented previously.

(c) If the supplementary statement cannot be mailed to the Naval Academy by June 25 and if the nominee receives from the Chief of Naval Personnel his authorization to report at the Naval Academy for admission before it is mailed, he must bring it with him and present it upon reporting.

§ 710.38 *Responsibility of nominees.* (a) It is the specific responsibility of each nominee to insure compliance with this limiting date, and failure to do so can conceivably result in cancellation of the nomination. A nominee who is an alternate has no ready means of knowing when he may become eligible for ad-

mission and should not be deterred from taking every possible step to insure submission of essential certificate papers. An incomplete record when a nominee becomes eligible for call can result in the conclusion that the individual has abandoned his candidacy.

(b) The nominee is encouraged to submit certificates prior to completion of the first term of the school year immediately preceding entrance to the Naval Academy. An early review of the record of completed work and of courses proposed for completion may reveal defects which can be offset by slight changes in the final semester schedule.

(c) As stated in § 710.37, the certificate action reports issued by the Naval Academy state clearly such ensuing steps on the nominee's part as may be necessary to complete his case. When in doubt, however, communications addressed to the Superintendent, United States Naval Academy, Annapolis, Maryland, will be answered as promptly as possible.

§ 710.39 *Admission by certificate considered a privilege.* Admission by either of the certificate methods is a privilege which the academic board may accord to those whom it considers, on the basis of school records presented, to be worthy of the exemptions allowed and to be capable of pursuing successfully the Naval Academy course.

METHODS OF QUALIFYING MENTALLY FOR ADMISSION; BASED ON REGULAR EXAMINATION

§ 710.40 *When admission is based on regular examination.* A candidate who cannot qualify under either of the methods described in §§ 710.26 to 710.39, that is, who cannot submit an acceptable certificate as required by one of those methods, can qualify mentally for admission to the Naval Academy if he passes an examination in each of the following subjects: Algebra, plane geometry, English and United States history. The examination in these four subjects is known as the regular examination. Deficiency in any one of these subjects will be sufficient to insure rejection of the candidate. The United States Naval Academy aptitude test will also be included with the regular examination. The scopé of the subjects covered in the regular examination is described in §§ 710.46 to 710.50.

§ 710.41 *List of secondary school subjects which can be used for certification (Form II).* (a) The list of subjects and of the corresponding weights in units is as follows:

Required subjects	7
Optional subjects	8
Total units needed for an acceptable certificate	15

Candidates are not admitted on condition.

(b) Required and optional subjects. Every certificate must show evidence of proficiency in seven units of required subjects and at least eight units of optional subjects chosen from the following:

	Designation	Maximum units allowed
Group I		
English (maximum of three units allowed and required)—		
English I	I	3
English II	II	
English III	III	
English IV	IV	
Group II		
Mathematics (three units required of which at least two must be algebra and one plane geometry; units in excess of three count as optional. Three semesters of algebra will be acceptable for the algebra requirement if the school certifies that the candidate has covered satisfactorily the material listed under mathematics A1 and A2 as described in § 710.45 (a) and (b). In such case two units of algebra will be allowed toward certification)—		
Algebra to quadratics	A1	1
Algebra, quadratics and beyond	A2	1
Algebra, advanced	B	½
Plane geometry	C	1
Solid geometry	D	½
Plane trigonometry	E	½
Higher mathematics	-------	-------
Group III		
History (one unit of United States history required; other units count as optional)—		
History, ancient	A	1
History, European	B	1
History, English	C	1
History, United States	D	1
History, modern European	E	1
History, World	F	1
Group IV		
Sciences, drawing, and languages (all units count as optional. A candidate who does not present acceptable school or college credit in physics or chemistry will be required to demonstrate by performance in the U. S. Naval Academy Aptitude Test his capacity to pursue studies along engineering and scientific lines)—		
Physics (recitation, laboratory) first year	I	1
Physics (recitation, laboratory) second year	II	1
Chemistry (recitation, laboratory) first year	I	1
Chemistry (recitation, laboratory) second year	II	1
Biology (recitation, laboratory)	I	1
General Science (recitation, laboratory)	I	1
Psychology	I	1
Mechanical drawing, first year	I	1
Mechanical drawing, second year	II	1
French, first year	I	1
French, second year	II	1
French, third year	III	1
Spanish, first year	I	1
Spanish, second year	II	1
Spanish, third year	III	1
German, first year	I	1
German, second year	II	1
German, third year	III	1
Italian, first year	I	1
Italian, second year	II	1
Italian, third year	III	1
Latin, first year	I	1
Latin, second year	II	1
Latin, third year	III	1
Latin, fourth year	IV	1
Group V		
Miscellaneous (all units count as optional)—		
Physical geography (recitation, laboratory)	-------	1
Botany (recitation, laboratory)	-------	1
Zoology (recitation, laboratory)	-------	1
Geology	-------	1
Astronomy	-------	1
Physiology	-------	1
Civics	-------	1
Problems of democracy	-------	1
American problems	-------	1
Citizenship	-------	1
Sociology	-------	1
Social science	-------	1
Current events	-------	½
Commercial law	-------	½
Commercial history	-------	½
Commercial arithmetic	-------	½
Group V—Continued		
Miscellaneous (all units count as optional)—Continued		
Commercial geography	-------	½
Economics	-------	1
Economic history	-------	1
Economic geography	-------	½
Industrial problems	-------	½
Public speaking	-------	½
Elementary law	-------	½
Advanced arithmetic	-------	½
Manual training	-------	1

(c) Other subjects: Such other standard subjects as are included in the usual high-school or college courses under the general divisions of language, mathematics, philosophy, science, economics, and law will be allowed. Subjects such as penmanship, stenography, typewriting, bookkeeping, Bible, free-hand drawing, music, drill, agriculture, teacher training, and student activities will not be allowed.

§ 710.42 *Definition of unit and of ground covered.* The definition of unit and of the ground covered by the designated subjects is given in § 710.34. Credits must correspond to the unit values of the respective subjects. Greater credit than indicated will not be allowed; less credit will be understood as evidence that the entire subject has not been completed.

DEFINITION OF CERTAIN OF THE SUBJECTS LISTED IN THE CERTIFICATE

§ 710.43 *Definition of mathematics*— (a) *Algebra to quadratics (one unit).* (1) The four fundamental operations for rational algebraic expressions.

(2) Factoring, determination of highest common factor and lowest common multiple by factoring.

(3) Fractions, including complex fractions, and ratio and proportion.

(4) Meaning, use, and evaluation of formulas.

(5) Graphical representation.

(6) Linear equations, both numerical and literal, containing one or two unknown quantities.

(7) Problems depending on linear equations.

(8) Radicals, including the extraction of the square root of polynomials and of numbers.

(9) Exponents, including fractional and negative.

(10) Numerical trigonometry—the use of the sine, cosine, and tangent in solving right triangles.

(b) *Quadratics and beyond (one unit).* (1) Quadratic equations, both numerical and literal.

(2) Simple cases of equations with one or more unknown quantities that can be solved by the methods of linear or quadratic equations.

(3) Problems depending on quadratic equations.

(4) Graphical solution of quadratic equations.

(5) Simultaneous equations in three unknowns.

(6) The solution of simple cases of equations of degree higher than the second.

(7) Elementary theory and use of logarithms. Variation.

(8) The binomial theorem for positive integral exponents.

(9) The formulas for the nth term and the sum of the terms of arithmetic and geometric progressions, with applications.

It is assumed that pupils will be required throughout the course to solve numerous problems which involve putting questions into equations. Some of these problems should be chosen from mensuration, from physics, and from commercial life. The use of graphical methods and illustrations, particularly in connection with the solution of equations, is also expected.

(b) *Advanced algebra (one-half unit).* (1) Permutations and combinations, limited to simple cases.

(2) Complex numbers, with graphical representation of sums and differences.

(3) Determinants, chiefly of the second, third, and fourth orders, including the use of minors and the solution of linear equations.

(4) Numerical equations of higher degree, and as much of the theory of equations, with graphical methods, as is necessary for their treatment, including Descartes' rule of signs and Horner's method, but not Sturm's functions or multiple roots.

(c) *Plane geometry (one unit).* (1) The usual theorems and constructions of good textbooks, including the general properties of plane rectilinear figures; the circle and the measurement of angles; similar polygons; areas; regular polygons, and the measurement of the circle.

(2) The solution of numerous original exercises.

(3) Application to the mensuration of lines and plane surfaces.

(d) *Solid geometry (one-half unit).* (1) The usual theorems and constructions of good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises.

(3) Applications to the mensuration of lines, surfaces, and solids.

(e) *Plane trigonometry (one-half unit).* (1) Definitions and relations of the six trigonometric functions as ratios; circular measurements of angles.

(2) Proofs of principal formulas, in particular for the sine, cosine, and tangent of the sum and the difference of two angles, of the double angle and the half angle, the product expressions for the sum or the difference of two sines or of two cosines, etc.; the transformation of trigonometric expressions by means of these formulas.

(3) Solutions of trigonometric equations of a simple character.

(4) Theory and use of logarithms (without the introduction of work involving infinite series).

(5) The solution of right and oblique triangles and practical applications.

§ 710.44 *Definition of English.* The study of English in school has two main objects: (a) Command of correct and clear English, spoken and written; (b) ability to read with accuracy, intelligence, and appreciation; familiarity with a few masterpieces.

(a) *Grammar and composition (one and one-half units).* The first object requires instruction in grammar and composition. English grammar should ordinarily be reviewed in the secondary school; and correct spelling and grammatical accuracy should be rigorously exacted in all written work during the four years. The principles of English composition governing punctuation, the use of words, sentences, and paragraphs should be thoroughly mastered; and practice in composition, oral as well as written, should extend throughout the secondary school period. Written exercises should include letter writing, narration, description, and simple exposition and argument. It is advisable that subjects for this work be taken from the student's personal experience, general knowledge, and studies other than English, as well as from his reading in literature. Finally, special instruction in language and composition should be accompanied by concerted effort of teachers in all branches to cultivate in the student the habit of using good English in his recitations and various exercises, whether oral or written.

(b) *Literature (one and one-half units).* The second object is sought by the reading and study of English and American literature in a progressive course covering four years. The student should be trained to read aloud with expression and clarity and to read silently with swift comprehension. He should be encouraged to commit to memory some of the more notable passages both in verse and in prose. As an aid to literary appreciation he should be further advised to acquaint himself with the most important facts in the lives of the authors whose works he reads and with their place in literary history. The aim is to foster in the student the habit of intelligent reading and to develop a taste for good literature, by giving him a first-hand knowledge of some of its best specimens. He should read the books carefully, but his attention should not be so fixed upon details that he fails to appreciate the main purpose and charm of what he reads.

§ 710.45 *Definition of history.* (a) Ancient history, comprising the history of the ancient world and of Greece and Rome to the year 476 A. D. (One unit.)

(b) European history, including both medieval and modern. (One unit.)

(c) English history. (One unit.)

(d) United States history. (One unit required. The standard year course in United States history, or a year course embracing both United States history and civil government, will fulfill this requirement.)

(e) Modern European history. (One unit.)

(f) World history. (One unit.)

SCOPE OF THE SUBJECTS COVERED IN THE ENTRANCE EXAMINATIONS

§ 710.46 *Scope of subjects covered.* The substantiating examination consists of an examination in algebra, plane geometry, and English. The regular examination consists of an examination in algebra, plane geometry, English, and United States history. Those parts of the substantiating and regular examinations which cover the same subjects are identical.

§ 710.47 *Scope of algebra examination.* This examination is designed to test the candidate's knowledge of the topics given in § 710.43 (a) and (b). These topics are adequately covered by:

(a) Wells and Hart, Modern High School Algebra, D. C. Heath & Co.

(b) Hawkes, Luby, and Touton, First and Second Year Algebra (combined), Ginn & Co.

(c) Schorling, Clark, and Smith, Second Year Algebra, World Book Co., and other standard high-school texts in algebra.

§ 710.48 *Scope of plane geometry examination.* This examination is designed to test the candidate's knowledge of the topics given in § 710.43 (c). These topics are adequately covered by:

(a) Hawkes, Luby, and Touton, New Plane Geometry, Ginn & Co.

(b) Wentworth and Smith, Plane Geometry, Ginn & Co.

(c) Wells and Hart, Plane Geometry, D. C. Heath & Co. and other standard high school texts in plane geometry.

§ 710.49 *Scope of English examination.* (a) The examination presupposes 4 years of study (3 units of credit) of English in a secondary school. The questions of one portion are designed to test grammatical usage, capitalization, punctuation, spelling, vocabulary, reading ability, sentence style and structure, and a general knowledge of English and American literature.

(b) the other portion will consist of exercises in theme writing designed to measure the candidate's ability in English composition.

(c) For questions in literature, the Naval Academy recommends that the candidates read and study works of recognized excellence in each of the following groups: (1) Drama, (2) prose narrative, (3) poetry, (4) essays, biographies, and miscellaneous prose. It is important that he have an acquaintance with traditionally great literature and with recognized literature types.

§ 710.50 *Scope of history examination.* (a) This is an examination designed to cover: (1) American history from the colonial beginnings to the present, as generally taught in standard secondary school history courses; and (2) the major events of current American and world history. The usual current events complement of an American history course should prepare a student for the questions on this subparagraph. Map questions may be used where suitable.

(b) The following outline is suggestive of the material to be covered: The sources of colonial American population;

the founding of American institutions, the effect of our European background on the formation of these institutions; causes and results of the Revolution; creation of the Federal Republic; American democracy and the frontier; post-revolutionary conditions, national and international; growth of internationalism; development of American ideas of government as reflected in the national Government; expansion toward the West; causes, military and naval aspects, and results of the Civil War; the growth of the Nation, disappearance of the frontier; development of railroads; expanding economy and national markets; growth of industrialism, the effects of industrialism on the farmer and on capital and labor; reform movements; the Spanish American War; the United States as a world power. The rise of Fascism and Nazism and their growing threat to world peace; America's defense program; the causes and events of World War II.

TIME SCHEDULE

§ 710.51 *Time schedule; mental examinations.* The following time schedule is published for the information and guidance of those concerned. All candidates report at 9 a. m. The time until 9:45 will be utilized in making out the declaration sheet and in reading the instructions on the Preliminary Sheet. The subjects comprising each type of examination and the time allowed are as indicated in the following table:

Subject No.	Subject	Time allowed	Required for candidates entering by—		
			Regular examination	Substantiating examination	College certificate
		FIRST DAY			
1	U. S. Naval Academy Aptitude Test.	9:45 a. m. to 12:45 p. m. (180 minutes)	Yes	Yes	Yes.
		(Intermission, 1¼ hours.)			
2	English	2 p. m. to 4:15 p. m. (135 minutes)	Yes	Yes	No.
		SECOND DAY			
3	Plane Geometry	9:30 a. m. to 11:00 a. m. (90 minutes)	Yes	Yes	No.
		(Intermission, 2 hours.)			
4	Algebra	1 p. m. to 3 p. m. (120 minutes)	Yes	Yes	No.
		THIRD DAY			
5	United States History	9 a. m. to 10:15 a. m. (75 minutes)	Yes	No	No.

PHYSICAL REQUIREMENTS

§ 710.52 *Introduction.* (a) All candidates for the Naval Academy must meet the physical standards established by the Secretary of the Navy. These standards are outlined in detail herein under the heading "Physical Standards and Disqualifying Defects."

(b) Physical examinations are divided into three categories: (1) Preliminary physical examination; (2) formal physical examination; and (3) physical reexamination. Each of these is discussed herein under the appropriate heading.

§ 710.53 *Physical Standards and Disqualifying Defects*—(a) *General.* Candidates are required to meet the physical standards outlined in the following paragraphs. Physical standards are established to secure uniformity in conducting physical examinations and in interpreting physical fitness of candidates for, and persons in, the naval service. The object is to procure and retain personnel who are physically fit and temperamentally adaptable to the conditions of military life. This is intended to preclude from acceptance, those individuals who present contagious or infectious disease which would be likely to endanger the health of other personnel, those who are likely to require repeated admissions to the sick list, prolonged hospitalization, or invaliding from service, and those who present any condition which would be likely to form the basis of a claim for physical retirement benefits. In order to eliminate preferential treatment to any individual or group of individuals, defects which are listed as disqualifying will not be waived and requests or recommendations that physical defects be waived shall not be submitted.

(1) Candidates will save valuable time and money (see paragraph on preliminary examinations) for themselves and the Government by procuring careful complete physical and dental examinations prior to reporting for their formal physical examinations in order that disqualifying defects such as cavities in teeth (cause for 90 percent of temporary rejection), hernia, etc., can be repaired.

(2) The candidate should insist that his medical and dental examiner fully inform him of all his physical defects and whether or not such defects are considered disqualifying for entrance to the U. S. Naval Academy.

(3) Since a history of having had certain illnesses which are recurrent and/or progressive in nature is disqualifying for entrance to the U. S. Naval Academy it is of paramount importance that the candidate inform the medical and dental examiner in detail of his past medical record. The candidate who fails to inform his examiner of his past medical record in order to gain entrance into the U. S. Naval Academy has not accomplished his goal if he must be discharged because of a recurrent or progressive disease subsequent to his entrance there. A number of examples of diseases which fall into the category under discussion are (i) allergies (asthma, severe hay fever, food allergy, contact allergy, urticaria, angioneurotic edema, bacterial allergy), (ii) abnormal sensitivity to physical agents (heat, cold, light), (iii) tuberculosis, (iv) diabetes, (v) dental diseases (advanced gingival diseases, rampant dental caries, marked malocclusion), (vi) psychic disturbances (psychoneuroses, psychoses, personality or behavior disorders), (vii) disease, derangement, or injury to major or weight-bearing bones or joints or their actuating and supportive musculature and its innervation, (viii) cardiovascular disorders (rheumatic fever or sequelae, hypertensive vascular disease, organic heart disease), (ix) chronic disease or absence of a thoracic or abdominal viscus, (x) carcinoma, et cetera.

(b) *Medical history.* In order to assist the examiner in conducting the physical examination, it is required that a careful history be obtained. An applicant for entry into the U. S. Naval Academy, upon reporting for examination, shall first be required to complete Standard Form 89 (Report of Medical History). The use of this form is not required in case of a candidate appearing before his own family physician and dentist. When used, the data on the completed form shall be reviewed, and elaborated upon by the examiner whenever it is necessary to present a more complete picture of the individual's medical history.

(c) *Psychiatric disorders.* The following conditions are causes for rejections:

(1) Psychotic disorders:
(i) Schizophrenic reactions.
(ii) Affective reactions.
(iii) Paranoid reactions.

(2) Psychiatric disorders with demonstrable physical etiology or associated structural changes in the brain:
(i) Psychotic disorders with demonstrable physical etiology or associated structural changes in the brain.
(ii) Nonpsychotic mental disorders with demonstrable physical etiology or associated structural changes in the brain.

(3) Psychoneurotic disorders:
(i) Anxiety reaction.
(ii) Dissociative reaction.
(iii) Conversion reaction.
(iv) Phobic reaction.
(v) Obsessive-compulsive reaction.
(vi) Neurotic-depressive reaction.
(vii) Somatization reaction.
(viii) Hypochondriacal reaction.

(4) Character and behavior disorders:
(i) Pathological personality types:
(*a*) Schizoid personality.
(*b*) Paranoid personality.
(*c*) Cyclothymic personality.
(*d*) Inadequate personality.
(*e*) Antisocial personality.
(*f*) Asocial (amoral) personality.
(*g*) Sexual deviate.
(ii) Immaturity reactions:
(*a*) Emotional-instability reaction.
(*b*) Passive-dependency reaction.
(*c*) Passive-aggression reaction.
(*d*) Aggressive reaction.

(e) Immaturity with symptomatic habit reaction.
(5) Disorders of intelligence:
(i) Mental deficiency, primary.
(ii) Mental deficiency, secondary.
(iii) Specific learning defect.

(d) *Weight, height, and miscellaneous considerations.* (1) The applicant's weight should be well distributed and in proportion to age, height, and skeletal structure. The following table shall be used as a general guide.

Height (inches)	66	67	68	69	70	71	72	73	74	75	76
Weight (pounds):											
Minimum	120	124	128	132	136	140	144	148	152	156	160
Maximum	170	175	180	185	190	195	201	208	214	220	226

NOTE. The figures in the table above are for growing youths and are for the guidance of medical officers in connection with the other data obtained at the examination, a consideration of which will determine the candidate's physical eligibility.

(2) The applicant's height shall be measured in inches to the nearest one-half inch, without shoes. The table below sets forth the minimum and maximum heights acceptable for candidates for the U. S. Naval Academy.

Minimum (inches)	Maximum (inches)
66	76 (74 if under 18 years of age).

(3) The following miscellaneous conditions are causes for rejection:
(i) Any deformity which is repulsive or which prevents the proper functioning of any part to a degree interfering with military efficiency.
(ii) Deficient muscular development or deficient nutrition.
(iii) Evidences of physical characteristics of congenital asthenia, such as slender bones, a weak ill-developed thorax, nephroptosis, gastroptosis, constipation, and "drop" heart, with its peculiar attenuation and weak and easily fatigued musculature.
(iv) All acute communicable diseases.
(v) All diseases and conditions which are not easily remediable or that tend physically to incapacitate the individual, such as: chronic malaria or malarial cachexia; tuberculosis; leprosy; actinomycosis; recurrent attacks of rheumatic fever, chronic articular rheumatism, or chronic arthritis; cellulitis; osteomyelitis; malignant diseases of all kinds in any location; hemophilia; purpura; leukemia of all types; pernicious anemia; splenic anemia; trypanosomiasis; filariasis which has produced permanent disability or deformity, history of an acute attack of filariasis within 6 months of date of examination, or the finding of microfilaria in the blood stream; chronic metallic poisoning; any of the allergic manifestations such as hay fever, asthma, allergic conjunctivitis, allergic dermatoses, allergic rhinitis, or a history thereof when, in the opinion of the medical officer, the condition is of present or future clinical significance.

(e) *The endocrine glands and metabolism.* The following conditions are causes for rejection:
(1) Toxic goiter; thyroid adenoma with pressure symptoms or of such size as to interfere with wearing a uniform.
(2) Cretinism; hypothyroidism; myxedema, spontaneous or postoperative (with clinical manifestations and diagnosis not based solely on low basal metabolic rate).
(3) Gigantism or acromegaly; diabetes insipidus; Simmonds's disease; Cushing's syndrome; other diseases because of a disorder of the pituitary gland.
(4) Frohlich's syndrome, if severe.
(5) Hyperparathyroidism and hypoparathyroidism when the diagnosis is supported by adequate laboratory studies.
(6) Addison's disease.
(7) Glycosuria if persisting; diabetes mellitus. If sugar is found in the urine, further specimens, voided in the presence of the physician or authorized assistant, should be examined. In doubtful cases the fasting blood sugar and glucose tolerance tests should be obtained.
(8) Nutritional deficiency diseases (including sprue, beriberi, pellagra, and scurvy) which are severe or not readily remediable or in which permanent pathological changes have been established.
(9) Gout.
(10) Hyperinsulinism when established by adequate investigation and if regarded by the examiners as of sufficient degree to disqualify for military service.

(f) *The eyes.* (1) For enrollment in the U. S. Naval Academy a minimum visual acuity of 20/20 each eye is required. No squinting or visual aids are allowed and the test letters should be read correctly and promptly. Refraction is not required for entrance into any component of the naval service unless medically indicated; after entrance, each midshipman at the U. S. Naval Academy shall submit to refraction under a cycloplegic (homatropine 4 percent) for record purposes only.
(2) Defective vision due to disease of the eye grounds shall be cause for rejection at any time.
(3) Both eyes must be free from any disfiguring or incapacitating abnormality and from acute or chronic disease.
(4) Any student in the U. S. Naval Academy whose vision in either eye during his period of service falls below 20/40 (10/20) may be recommended for discharge, except those specifically designated for staff corps. Where the student's vision has dropped below 20/100 (4/20), he shall be recommended for discharge.
(5) These requirements as given above are considered necessary in order to graduate midshipmen with vision sufficiently serviceable to enable them to carry out their duties at sea in inclement weather, without the aid of glasses or when the wearing of glasses would prove a handicap. During late adolescence it is quite common for developmental myopia to become manifest to such an extent that the resulting myopic visual defect is sufficient to disqualify the student. It is therefore imperative that a careful examination for visual acuity be performed. Visual performance resulting from "corrective eye exercises" is misleading in that the apparent improvement in vision is not maintained. Following such corrective eye exercises the candidate may be able to pass successfully the 20/20 visual requirements, but when the candidate is required to study for considerable periods of time the true visual acuity becomes evident. Through inability of the student to pass the required visual test subsequent to entrance, it may become necessary to recommend him for discharge. For this reason, "corrective eye exercises" prior to entrance physical examinations are not recommended.
(6) The following conditions are causes for rejection:
(i) Trachoma.
(ii) Chronic conjunctivitis, or xerophthalmia.
(iii) Pterygium encroaching upon the cornea.
(iv) Complete or extensive destruction of the eyelids, disfiguring cicatrices, adhesions of the lids to each other or to the eyeball.
(v) Inversion or eversion of the eyelids, or lagophthalmus.
(vi) Trichiasis, ptosis, blepharospasm, or chronic blepharitis.
(vii) Epiphora, chronic dacryocystitis, or lachrymal fistula.
(viii) Chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard.
(ix) Irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard.
(x) Opacities of the lens or its capsule sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree.
(xi) Extensive coloboma of the choroid or iris, absence of pigment (albino), glaucoma, iritis, or extensive or progressive choroiditis of any degree.
(xii) Retinitis, detachment of the retina, neuroretinitis, optic neuritis, or atrophy of the optic nerve.
(xiii) Loss or disorganization of either eye, or pronounced exophthalmos.
(xiv) Pronounced nystagmus or well-marked strabismus.
(xv) Diplopia, or night blindness.
(xvi) Abnormal condition of the eye due to disease of the brain.
(xvii) Malignant tumors of lids or eyeballs.
(xviii) Asthenopia accompanying any ocular defect.
(xix) Any organic disease of either eye.

(g) *Color perception.* It is essential that all candidates for the Naval Academy have normal color perception. The numerals on the plates must be read promptly and the candidate not allowed to trace them. Candidates shall be required to read correctly any 17 of the 20 plates of the revised first edition, AOC Chart Book 1940 (demonstration plates excluded).

(h) *The ears.* The following conditions are causes for rejection:

(1) The total loss of an external ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ.

(2) Atresia of the external auditory canal, or tumors of this part.

(3) Acute or chronic suppurative otitis media, or chronic catarrhal otitis media.

(4) Mastoiditis, acute or chronic.

(5) Existing perforation of either membrana tympani.

(6) Deafness of one or both ears.

(7) Any diminution of auditory acuity in either ear below 15/15 by whispered voice, 40/40 by standard clock, or 20/20 by acoumeter or coin click.

(8) Any acute or chronic disease of the external, middle, or internal ear.

(i) *The skin.* The following conditions are causes for rejection:

(1) Eczema of long standing or which is resistant to treatment; allergic dermatosis, if severe.

(2) Chronic impetigo; sycosis; carbuncle; acne upon face or neck which is so pronounced as to amount to positive deformity.

(3) Actinomycosis; dermatitis herpetiformis; mycosis fungoides.

(4) Extensive psoriasis ichthyosis; chronic lichen planus.

(5) Elephantiasis.

(6) Scabies; pediculosis (if indicative of unhygienic habits).

(7) Ulcerations of the skin not amenable to treatment, or those of long standing or of considerable extent, or of syphilitic or malignant origin.

(8) Extensive, deep, or adherent scars that interfere with muscular movements, or that show a tendency to break down and ulcerate.

(9) Naevi and other erectile tumors if extensive, disfiguring, or exposed to constant pressure.

(10) Obscene, offensive, or indecent tattooing.

(11) Pilonidal cyst or sinus if evidenced by presence of readily palpable tumor mass or of a sinus with sufficient serous discharge to soil clothing, or if there is a history of inflammation or of purulent discharge.

(12) Lupus vulgaris; other tuberculous skin lesions.

(13) Lupus erythematosus; scleroderma.

(14) Epidermolysis bullosa; pemphigus.

(15) Plantar warts on weigh-bearing areas.

(j) *The head and face.* The following conditions are causes for rejection:

(1) Tinea in any form.

(2) All benign tumors which are of sufficient size to interfere with the wearing of military headgear, or subject to chronic irritation.

(3) Imperfect ossification of the cranial bones or persistence of the anterior fontanelle.

(4) Extensive cicatrices, especially such adherent scars as show a tendency to break down and ulcerate.

(5) Depressed fractures or other depressions, or loss of bony substance of the skull, unless the examiner is certain the defect is slight and will cause no future trouble.

(6) Monstrosity of the head, or hydrocephalus.

(7) Hernia of the brain.

(8) Deformities of the skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.

(9) Extreme ugliness.

(10) Unsightly deformities, such as large birthmarks, large hairy moles, extensive cicatrices, mutilations due to injuries or surgical operations, tumors, ulcerations, fistulae, atrophy of a part of the face, or lack of symmetrical development.

(11) Persistent neuralgia, tic douloureux, or paralyses of central nervous origin.

(12) Ununited fractures of the maxillary bones, deformities of either maxillary bones interfering with mastication or speech, extensive exostosis, necrosis, or osseous cysts.

(13) Chronic arthritis of the temporomandibular articulation, badly reduced or recurrent dislocations of this joint, or ankylosis, complete or partial.

(k) *The mouth, nose, pharynx, larynx, trachea, and esophagus.* The following conditions are causes for rejection:

(1) Harelip, unless adequately repaired, loss of the whole or a large part of either lip, unsightly mutilations of the lips from wounds, burns, or disease.

(2) Malformation, partial loss, atrophy, or hypertrophy of the tongue, split or bifid tongue, or adhesions of the tongue to the sides of the mouth, provided these conditions interfere with mastication, speech, or swallowing, or appear to be progressive.

(3) Malignant tumors of the tongue, or benign tumors that interfere with its functions.

(4) Marked stomatitis, or ulcerations, or severe leukoplakia.

(5) Ranula if at all extensive, or salivary fistula.

(6) Perforation or extensive loss of substance or ulceration of the hard or soft palate, extensive adhesions of the soft palate to the pharynx, or paralysis of the soft palate.

(7) Loss of the nose, malformation, or deformities thereof that interfere with speech or breathing, or extensive ulcerations.

(8) Perforated nasal septum if considered causative of symptoms or local pathology, or likely to do so.

(9) Nasal obstruction due to septal deviation, hypertrophic rhinitis, or other causes, and particularly if sufficient to produce mouth breathing.

(10) Acute or chronic inflammation of the accessory sinuses of the nose, hay fever, or allergic rhinitis.

(11) Chronic atrophic rhinitis.

(12) Malformations or deformities of the pharynx of sufficient degree to interfere with function.

(13) Postnasal adenoids interfering with respiration or associated with middle-ear disease.

(14) Marked enlargement of the tonsils or markedly diseased tonsils.

(15) Laryngitis from any cause.

(16) Paralysis of the vocal cords, or aphonia.

(l) *The neck.* The following conditions are causes for rejection:

(1) Cervical adenitis of other than benign origin, including cancer, Hodgkin's disease, leukemia, tuberculosis, syphilis, etc.

(2) Adherent or disfiguring scars from disease, injuries or burns.

(3) Thyroid adenoma interfering with breathing or with the wearing of clothing; exophthalmic goiter or thyroid enlargement from any cause associated with toxic symptoms or which is disfiguring.

(4) Benign tumors or cysts which are so large as to interfere with the wearing of a uniform or military equipment.

(5) Torticollis.

(6) Tracheal openings, thyroglossal or cervical fistulae.

(7) Restricted motility sufficient to limit the normal range of motion.

(m) *The spine.* The following conditions are causes for rejection;

(1) Lateral deviation of the spine from the normal midline of such degree that it impairs normal function or is likely to do so.

(2) Curvature of the spine of such degree that function is interfered with or is likely to be interfered with, or in which there is noticeable deformity when the applicant is dressed (scoliosis, hyphosis, or lordosis).

(3) Fracture or dislocation of the vertebrae.

(4) Vertebral caries (Pott's disease).

(5) Abscess of the spinal column or its vicinity.

(6) Osteo-arthritis of the spinal column, partial or complete.

(7) Fracture of the coccyx; spina bifida; spondylolisthesis; cervical rib.

(8) Active arthritic processes from any cause.

(9) Herniation of intervertebral disc (nucleus pulposus) or history of operation for this condition.

(n) *The thorax.* The following conditions are causes for rejection:

(1) Congenital malformations or acquired deformities which result in reducing the chest capacity and diminishing the respiratory function to such a degree as to interfere with vigorous physical exertion or to produce disfigurement when the applicant is dressed.

(2) Pronounced contractions or markedly limited mobility of the chest wall following pleurisy or empyema.

(3) Deformities of the scapulae sufficient to interfere with the carrying of equipment.

(4) Absence or faulty development of the clavicle.

(5) Old fracture of the clavicle where there is much deformity or interference with the carrying of equipment; ununited fractures, or partial or complete dislocation of either end of the clavicle.

(6) Suppurative periostitis or caries or necrosis of the ribs, the sternum, the clavicles, or the scapulae.

(7) Old fractures of the ribs with faulty union, if interfering with function.

(8) Benign tumors or cysts of the breast or chest wall which are so large as to interfere with the wearing of a uniform or of equipment.

(9) Unhealed sinuses of the chest wall.

(10) Scars of old operations for empyema unless the examiner is assured

that the respiratory function is entirely normal.

(11) Pneumoconiosis, extensive pulmonary fibrosis or pulmonary emphysema.

(12) Acute or chronic pleurisy or empyema.

(13) Pneumothorax, hydrothorax, or hemothorax.

(14) Tumors of the lung, pleura or mediastinum.

(15) Chronic bronchitis, bronchiectasis, abscess of the lung, pulmonary infiltration of undetermined origin, asthma, cystic disease of the lung.

(16) Actinomycosis, nocardiosis, blastomycosis, coccidioidomycosis, aspergillosis or histoplasmosis if there is reason to suspect recent activity of the disease process.

(17) Sarcoidosis.

(18) Hydatid or echinococcus cysts of the lung.

(19) Disqualifying defects demonstrable by a roentgenographic examination of the chest, such as:

(i) Evidence of reinfection (adult) type tuberculosis, active or inactive, other than slight thickening of the apical pleura or thin solitary fibroid strands.

(ii) Evidence of active primary (childhood) type tuberculosis.

(iii) Extensive calcification of the pleura, lung parenchyma or hilum, if of questionable stability or of such size and extent as to interfere with pulmonary function.

(iv) Evidence of fibrous or serofibrinous pleuritis, except moderate diaphragmatic adhesions with or without blunting or obliteration of the costophrenic sinus.

(o) *The heart and blood vessels.* The following conditions are causes for rejection:

(1) All diastolic murmurs.

(2) Apical systolic murmurs, when persistent in both the recumbent and upright positions, when moderate in intensity, when transmitted to the axilla, and when not abolished nor significantly diminished in intensity by forced breathing.

(3) Harsh systolic murmurs, heard at aortic area, even of less than moderate intensity with diminished or absent second sound.

(4) Pulmonic systolic murmurs, blowing or rough, low pitched, of more than moderate intensity.

(5) All valvular diseases of the heart, congenital heart disease, or pathological murmurs.

(6) Hypertrophy or dilation of the heart.

(7) History of evidence of pericarditis, endocarditis, myocarditis, angina pectoris, coronary occlusion, or coronary atherosclerosis.

(8) A heart rate of 100 or over, or of 50 or under, when these are proved to be persistent in the recumbent posture and on observation and reexamination over a sufficient period of time.

(9) Marked cardiac arrhythmia or irregularity, or an authenticated history of paroxysmal tachycardia, or auricular fibrillation or flutter.

(10) Arteriosclerosis.

(11) Arterial hypertension, essential hypertension (hypertensive vascular disease). In general, a persistent systolic blood pressure above 130, or a persistent diastolic blood pressure above 84, is cause for rejection.

(12) Aneurysm of any variety in any situation.

(13) Intermittent claudication.

(14) Raynaud's disease, acrocyanosis.

(15) Thrombophlebitis of one or more extremities, if there is a persistence of the thrombus or any evidence of obstruction to circulation in the involved vein or veins.

(16) An authenticated history of rheumatic fever or chorea within the past 5 years, or a history of more than one attack of rheumatic fever.

(17) Arterial hypotension if it is causing, or has caused, symptoms.

(p) *The abdomen.* The following conditions are causes for rejection:

(1) Wounds, injuries, cicatrices, or muscular ruptures of the abdominal walls sufficient to interfere with function.

(2) Fistulae or sinuses from visceral or other lesions or following operation.

(3) Hernia of any variety.

(4) Large tumors of the abdominal wall.

(5) Scar pain, if severe or causing persistent or recurring complaints.

(6) Chronic diseases of the stomach or intestine or a history thereof, including such diseases as peptic ulcer, regional ileitis, ulcerative colitis and diverticulitis.

(7) Gastric resection, gastro-enterostomy, or bowel resection.

(8) Chronic appendicitis.

(9) Ptosis of the stomach or intestines.

(10) Acute or chronic disease of the liver, gall bladder, pancreas, or spleen.

(11) Chronic peritonitis or peritoneal adhesions.

(12) Chronic enlargement of the liver.

(13) Chronic enlargement of the spleen if marked.

(14) Jaundice.

(q) *The perineum and the pelvis including the sacroiliac and lumbosacral joints.* The following conditions are causes for rejection:

(1) Malformation and deformities of the pelvis sufficient to interfere with function.

(2) Disease of the sacroiliac or lumbosacral joints.

(3) Urinary fistula.

(4) Stricture or prolapse of the rectum.

(5) Fissure of the anus or pruritus ani.

(6) Fistula in ano or ischiorectal abscess.

(7) External hemorrhoids sufficient in size to produce marked symptoms; internal hemorrhoids, if large or accompanied by hemorrhage, or protruding intermittently or constantly.

(8) Incontinence of feces.

(r) *The genito-urinary system and venereal disease.*

(1) All candidates for the U. S. Naval Academy shall receive a serologic test for syphilis. This test shall be conducted at the time of the final physical examination.

(i) When albumin, casts, hemoglobin, or red blood cells are found in the urine, the applicant shall not be accepted unless further study proves such findings to be of no significance. Such further study, if desired, should include daily complete examinations of the urine for at least 3 days and such other tests as are necessary, unless the presence of albumin and casts is associated with enlargement of the heart, high blood pressure, or other evidence of cardiovascular disease of such degree that a diagnosis of renal disease may be made immediately. When albumin is constantly or intermittently present, the underlying pathological condition should, if possible, be determined and stated as the cause for rejection; but if albuminuria be present daily during a period of 3 days, it should be regarded as reason for rejection, even if the origin cannot be determined.

(ii) If glucose is found in the urine, further observation is indicated, including an estimation of the 24-hour amount of urine and the employment of other tests to demonstrate the possible existence of diabetes. Blood-sugar values and blood-sugar tolerance tests must be normal if such an applicant is to be found qualified; the glycosuria must be shown to have been transient and not a persistent condition.

(iii) When the specific gravity of the specimen first examined is under 1.010, further observation of the applicant and repeated complete urinary examinations are indicated.

(iv) When serological test for syphilis is positive, the possibility of a false positive test should be considered. In view of the possibility of error in such a test, the candidate giving a positive reaction will have the opportunity for a physical reexamination subject to the conditions set forth herein under the heading "Physical Reexamination."

(2) The following conditions are causes for rejection:

(i) Acute or chronic nephritis; diabetes mellitus or insipidus, or glycosuria if accompanied by abnormal response to bloodsugar tests.

(ii) Blood, pus, or albumin in the urine, if persistent.

(iii) Floating kidney, hydronephrosis, pyonephrosis, pyelitis, tumor of the kidney, renal calculi, or absence of one kidney.

(iv) Acute or chronic cystitis.

(v) Vesical calculi, tumors of the bladder, incontinence of urine, enuresis, or retention of urine.

(vi) Hypertrophy, abscess, or chronic infection of the prostate gland.

(vii) Urethral stricture or urinary fistula.

(viii) Epispadias or hypospadias, except for minor displacements of the urethral orifice with no impairment in function of micturition, and no symptoms of irritation.

(ix) Phimosis when prepuce is adherent in whole or in part to the glans.

(x) Hermaphroditism.

(xi) Amputation of the penis.

(xii) Varicocele, if large and painful, or hydrocele upon original appointment.

(xiii) Atrophy of both testicles or loss of both.

(xiv) Undescended testicle (acceptable if unilateral, abdominal and unassociated with hernia), infantile genital organs.

(xv) Chronic orchitis or epididymitis.

(xvi) A persistently positive serologic test for syphilis.

(xvii) Syphilis in any stage, or a clearly defined history thereof.

(xviii) Any active venereal infection, acute or chronic, or any active infectious process resulting therefrom.

(xix) Reiter's disease.

(s) *The extremities.* The following conditions are causes for rejection:

(1) All anomalies in the number, the form, the proportion, and the movements of the extremities which produce noticeable deformity or interfere with function.

(2) Atrophy of the muscles of any part, if progressive or if sufficient to interfere with function.

(3) Benign tumors if sufficiently large to interfere with function.

(4) Ununited fracture, fractures with shortening or callus formation sufficient to interfere with function, old dislocations unreduced or partially reduced, complete or partial ankylosis of a joint, or relaxed articular ligaments permitting of frequent voluntary or involuntary displacement.

(5) Reduced dislocation or united fractures with incomplete restoration of function.

(6) Amputation of any portion of a limb (except fingers or toes if there is no interference with military activities), or resection of a joint.

(7) Excessive curvature of a long bone or extensive, deep, or adherent scars interfering with motion.

(8) Severe sprains.

(9) Disease of the bones or joints.

(10) Chronic synovitis, or floating cartilage, or other internal derangement in a joint (particularly of knee joint with history of disability).

(11) Varicose veins in an extremity when they cover a large area or are markedly tortuous or much dilated, or are associated with edema or hemorrhoids, or are accompanied by subjective symptoms .

(12) Varices of any kind situated in the leg below the knee, if associated with varicose ulcers or scars from old ulcerations; chronic edema of a limb.

(13) Chronic or obstinate neuralgias, particularly sciatica.

(14) Adherent or united fingers (web fingers).

(15) Deviation of the normal axis of the forearm to such a degree as to interfere with the proper execution of the manual of arms.

(16) (i) Permanent flexion or extension of one or more fingers, as well as irremediable loss of motion of these parts, if sufficient to interfere with proper execution of duties.

(ii) Total loss of either thumb.

(iii) Mutilation of either thumb to such an extent as to produce material loss of flexion or strength of the member.

(iv) Loss of more than one phalanx of the right index finger.

(v) Loss of the terminal and middle phalanges of any two fingers on the same hand.

(vi) Entire loss of any finger except the little finger of either hand or the ring finger of the hand not used in writing.

(17) Perceptible lameness or limping.

(18) Knock-knee, when the gait is clumsy or ungainly, or when subjective symptoms of weakness are present; bowlegs if so marked as to produce noticeable deformity when the applicant is dressed.

(19) (i) Clubfoot unless the defect is so slight as to produce no symptoms during vigorous exercise.

(ii) Pes cavus if extreme and causing symptoms.

(iii) Flatfoot when accompanied with symptoms of weak foot or when the foot is weak on test. Pronounced cases of flatfoot attended with decided eversion of the foot and marked bulging of the inner boarder, due to inward rotation of the astragalus, are disqualifying, regardless of the presence or absence of subjective symptoms.

(20) Loss of either great toe or loss of any two toes on the same foot.

(21) Overriding or superposition of any of the toes to such a degree as will produce pain when wearing the military shoe.

(22) Ingrowing toenails when marked or painful.

(23) (i) Hallux valgus when sufficiently marked to interfere with locomotion or when accompanied by a painful bunion.

(ii) Bunions sufficiently pronounced to interfere with function.

(iii) Hammertoes when existing to such a degree as to interfere with function when wearing shoes.

(iv) Webbing of all the toes.

(v) Corns or calluses on the sole of the foot when they are tender or painful.

(24) (i) Hyperidrosis or bromidrosis when present to a marked degree.

(ii) Habitually sodden feet with blistered skin.

(iii) Unusually large or deformed feet for which proper shoes cannot be readily obtained.

(25) Severe fungoid infection of nailbeds.

(t) *The nervous system.* The following conditions are causes for rejection:

(1) Neurosyphilis of any form (general paresis, tabes dorsalis, meningovascular syphilis).

(2) Degenerative disorders (multiple sclerosis, encephalomyelitis, cerebellar and Friedreich's ataxia, athetoses, Huntington's chorea, muscular atrophies and dystrophies of any type, cerebral arteriosclerosis).

(3) Residuals of infection (moderate and severe residuals of poliomyelitis, meningitis and abscesses, paralysis agitans, postencephalitic syndromes, Sydenham's chorea).

(4) Peripheral nerve disorder (chronic or recurrent neuritis or neuralgia of an intensity which is periodically incapacitating, multiple neuritis, neurofibromatosis).

(5) Residuals of trauma (residuals of concussion or severe cerebral trauma, post-traumatic cerebral syndrome, incapacitating severe injuries to peripheral nerves).

(6) Paroxysmal convulsive disorders and disturbances of consciousness (grand mal, petit mal, and psychomotor attacks, syncope, narcolepsy, migraine).

(7) Miscellaneous disorders (tics, spasmodic torticollis, spasms, brain and spinal cord tumors, whether operated upon or not, cerebrovascular disease, congenital malformations, including spina bifida if associated with neurological manifestations and meningocele even if uncomplicated, Meniere's disease).

(u) *Dental*—(1) *Standards.* (i) Every candidate shall be examined clinically and by dental roentgenography by a dental officer of the military services who shall make a separate report in each case of his findings and recommendations to the President of the Board of Medical Examiners.

(ii) A candidate for appointment as midshipman must have a minimum of 20 vital serviceable permanent teeth including (*a*) 4 molars. Of this number, 1 upper and 1 lower molar on the right side, and 1 upper and 1 lower molar on the left side must be in functional occlusion; (*b*) 4 incisors. Of this number, 2 should be in the maxillae and 2 should be in the mandible in such position as to enable the applicant to incise satisfactorily. A candidate should not be accepted who has teeth missing in the anterior part of the mouth which have not been replaced and which result in an unsightly space. Any deviation from normal occlusion should be minor, and good functional occlusion as well as absence of interference with speech must be demonstrable. Candidates should not be considered qualified for appointment when orthodontic appliances are attached to teeth for the purpose of continued treatment. Orthodontic retaining appliances such as are used after the completion of treatment are acceptable provided they are not an oral health hazard.

(iii) The teeth must be free from dental caries, restorations must be of high quality, and the peridontal tissues must be free from disease. A "Type 2" examination is necessary for the detection of interproximal caries. Definition of a "Type 2" examination is: Mouth mirror and explorer examination; adequate natural or artificial illumination; posterior bite-wing roentgenograms; periapical roentgenograms, when indicated.

(iv) Teeth should be free from calculus, all restorations of the highest standard, the oral soft tissue in a state of normal health, and the general appearance of the mouth indicative of the practice of strict personal hygiene. All required dental treatment, restorations, and replacements must be obtained prior to entrance to the Naval Academy.

(2) *Explanation of standards.* (i) A vital tooth is a tooth containing a vital dental pulp.

(ii) A serviceable tooth is one which is free from disease, or if carious, can be restored satisfactorily without endangering the pulp; is adequately supported by normal tissue; does not have a faulty restoration or bridge attachment; and is fully effective functionally.

(iii) An opposed tooth is one that comes into functional contact with one or more teeth of the opposite arch.

(iv) Appointees as midshipmen must have had all carious teeth restored or extracted.

(v) A bicuspid may not be counted as a molar nor may a cuspid be counted as an incisor.

(vi) An abutment tooth (a natural tooth to which a bridge is attached) may be counted as serviceable only when the pulp is vital, the tooth is sound, supported by healthy tissue, is in useful occlusion, and the bridge attachment is well designed and in good condition.

(3) *Disqualifying defects.* (i) Edentulous spaces in the dental arch causing wide separation of the continuity of the incising and masticating surfaces shall cause rejection. Prosthetic appliances are not considered as substitutions for natural sound teeth, unless in excess of the 20 vital sound serviceable permanent teeth required. Unerupted teeth will not be included in the 20 vital sound serviceable permanent teeth required. Natural teeth supporting fixed or removable prosthetic appliances (crowns or dentures) will be considered as sound and serviceable only when they are vital, in normal healthy condition and supported by healthy tissue. Extraction is indicated for all carious teeth incapable of receiving treatment and restoration.

(ii) The loss of teeth in excess of the standards noted in above paragraph.

(iii) Marked protrusion or retrusion of the mandible.

(iv) Marked deformity of the maxillae or mandible.

(v) Marked malocclusion.

(vi) Dento-facial deformity.

(vii) Lack of serviceable occlusion.

(viii) Impingement of teeth of one jaw upon gingiva of the opposing jaw.

(ix) Numerous or wide spaces that are edentulous (without natural teeth).

(x) Extensive or numerous unsatisfactory restorations by fillings, inlays, crowns, bridges, or dentures.

(xi) Teeth generally unserviceable because of insufficient size or poor formation.

(xii) Teeth generally involved with caries.

(xiii) Teeth generally unsound or unsightly because of faulty calcification.

(xiv) Pulpless teeth with defective or no pulp canal fillings.

(xv) Apical or extensive pericemental areas of infection.

(xvi) Teeth carious beyond restoration.

(xvii) Large deposits of salivary calculus.

(xviii) Advanced or extensive periodontoclasia.

(xix) Infectious disease of the soft tissues, including Vincent's stomatitis.

(xx) Syphilitic lesions.

(xxi) Malignant tumors.

(xxii) Benign tumors or cysts likely to enlarge.

(xxiii) Pathologically involved impacted or unerupted teeth, particularly those which have been responsible for recurrent episodes of pericoronitis and which constitute definite sources of oral infection.

§ 710.54 *Preliminary physical examination.* (a) The Departments of the Navy, Army, and Air Force have made available to all candidates for the Naval Academy places where a careful preliminary physical examination can be obtained at no expense to the candidate other than the cost of such travel and subsistence as may be necessary. The preliminary physical examinations are conducted by medical specialists under conditions approximating as closely as possible those of the formal physical examinations given by the medical examining boards authorized to conduct formal examinations.

(b) The preliminary examinations are authorized primarily for the convenience of candidates and prospective candidates. They serve to reveal obviously disqualifying defects which may preclude admission as midshipman and may reveal defects which can be remedied prior to appearance for the formal physical examination. Candidates are urged to avail themselves of this opportunity and thus spare themselves the needless expense and disappointment which may result from the late discovery of disqualifying defects.

(c) Preliminary physical examinations are conducted at any of the places in the list which follows and will be given to any candidate who presents a request from the Bureau of Naval Personnel, or from a member of Congress, or who is a son or dependent relative of a member of the Armed Forces and presents a request signed by the member concerned. It is advisable to communicate with the activity selected for physical examination to arrange an appointment.

INSTALLATIONS CONDUCTING PRELIMINARY PHYSICAL EXAMINATIONS FOR THE U. S. NAVAL ACADEMY

Alabama:
- Daleville—Camp Rucker.
- Mobile—Brookley AFB.
- Montgomery—Maxwell AFB.
- Selma—Craig AFB.

Arizona:
- Chandler—Williams AFB.
- Tucson—Davis Monthan AFB.

Arkansas:
- Fort Smith—Camp Chaffee.
- Hot Springs—Army and Navy GH.
- Pine Bluff—Pine Bluff Arsenal.

California:
- Corona USNH.
- Fairfield—Travis AFB.
- Lompoc—Camp Cooke.
- Los Angeles—Recruiting Main Station.
- Merced—Castle AFB.
- Monterey—Fort Ord.
- Muroc—Edwards AFB.
- Oakland—Oakland Army Base, USNH, 8750 Mountain Boulevard.
- Oceanside—USNH, Santa Margarita Ranch, Camp Pendleton.
- Pittsburg—Camp Stoneman.
- Riverside—March AFB.
- Sacramento—Mather AFB.
- San Diego—Recruiting Main Station, USNH.
- San Francisco:
  - Fort Mason:
    - Letterman AH.
    - Recruiting Main Station.
  - U. S. Army Dispensary, Presidio.
- San Miguel—Camp Roberts.
- San Pedro—Fort MacArthur.
- San Rafael—Hamilton AFB.
- Vallejo—USNH, Mare Island.
- Victorville—George AFB.

Colorado:
- Colorado Springs CP Carson.
- Denver:
  - Fitzsimmons AH.
  - Lowry AFB.

Florida:
- Cocoa—Patrick AFB.
- Jacksonville—USNH, Naval Air Station.
- Key West—USNH.
- Panama City—Tyndall AFB.
- Pensacola—USNH.
- Valparaiso—Eglin AFB.
- Tampa—MacDill AFB.

Georgia:
- Albany—Turner AFB.
- Atlanta—Fort McPherson.
- Augusta—Camp Gordon.
- Columbus—Fort Benning.
- Hinesville—Camp Stewart.
- Macon—Robins AFB.
- Savannah—Hunter AFB.

Illinois:
- Belleville—Scott AFB.
- Chicago—U. S. Army Dispensary, 1660 East Hyde Park Boulevard.
- Great Lakes—USNH, Naval Training Center.
- Highwood—Fort Sheridan.
- Rantoul—Chanute AFB.

Indiana:
- Edinburg—Camp Atterbury.
- Indianapolis—Fort Benjamin Harrison.

Kansas:
- Junction City—Fort Riley.
- Fort Leavenworth.

Kentucky:
- Fort Knox.
- Hopkinsville—Fort Campbell.
- Morganfield—Camp Breckinridge.

Louisiana:
- Leesville—Camp Polk.
- New Orleans—Camp LeRoy Johnson.
- Shreveport—Barksdale AFB.

Maine:
- Portland—Recruiting Main Station, Fort Williams.
- Presque Isle—Presque Isle AFB.

Maryland:
- Aberdeen—Aberdeen Proving Ground.
- Annapolis—USNH.
- Army Chemical Center.
- Bainbridge—USNH.
- Baltimore—Fort Holabird.
- Bethesda—USNH, National Naval Medical Center.
- Fort George G. Meade.

Massachusetts:
- Ayer—Fort Devens.
- Boston:
  - Recruiting Main Station, Boston Army Base.
  - U. S. Army Dispensary, Boston Army Base.
- Chelsea—USNH.
- Chicopee Falls—Westover AFB.
- Falmouth—Camp Edwards.
- Waltham—Murphy AH.

Michigan:
- Battle Creek—Fort Custer.
- Mount Clemens—Selfridge AFB.
- Sault Ste. Marie—Camp Lucas.
- Battle Creek—Percy Jones AH.

Mississippi:
- Biloxi—Keesler AFB.

Missouri:
- McElhany—Camp Crowder.
- Newbury—Fort Leonard Wood.
- St. Louis—U. S. Army Dispensary, Twelfth and Spruce Streets.

Montana:
- Great Falls—Great Falls AFB.

Nebraska:
- Omaha—Offutt AFB.

Nevada:
- Las Vegas—Nellis AFB.

New Jersey:
- Camden—Recruiting Main Station.
- New Brunswick—Camp Kilmer.
- Newark—Recruiting Main Station.
- Red Bank—Fort Monmouth.
- Trenton—Fort Dix.

New Hampshire:
- Portsmouth—USNH.

New Mexico:
- Alamogordo—Holloman AFB.
- Roswell—Walker AFB.

New York:
Bayside, L. I.—Fort Totten.
Binghamton—Recruiting Main Station.
Brooklyn:
Fort Hamilton, U. S. Army Dispensary, Nype, Fifty-eighth Street and First Avenue.
Buffalo—Recruiting Main Station.
Fort Jay, Governors Island.
Hempstead, Long Island—Mitchel AFB.
Geneva—Sampson AFB.
New York City:
Recruiting Main Station, 39 Whitehall Street.
U. S. Army Dispensary, 90 Church Street.
New Rochelle—Fort Slocum.
Rome—Griffis AFB.
Romulus—Seneca Ordnance Depot.
St. Albans, Long Island, USNH.
Schenectady—U. S. Army Dispensary, Schenectady General Depot.
Syracuse—Recruiting Main Station.
Watertown—INE Camp.
West Point—U. S. Army Hospital, U. S. Military Academy.
North Carolina:
Camp Lejeune—USNH.
Fayetteville—Fort Bragg.
Ohio:
Dayton—Wright-Patterson AFB.
Oklahoma:
Enid—Vance AFB.
Lawton—Fort Sill.
Oklahoma City—Tinker AFB.
Pennsylvania:
Carlisle—Carlisle Barracks.
Middletown—Olmsted AFB.
Philadelphia:
U. S. Army Dispensary, Philadelphia Quartermaster Depot, 2800 South Twentieth Street.
USNH, Seventeenth Street and Patterson Avenue.
Phoenixville—Valley Forge AH.
Rhode Island:
Newport—USNH.
South Carolina:
Beaufort—USNH.
Charleston—USNH, Naval Base.
Columbia—Fort Jackson.
Greenville—Donaldson AFB.
Sumter—Shaw AFB.
South Dakota:
Rapid City—Rapid City AFB.
Tennessee:
Memphis—USNH.
Smyrna—Stewart AFB.
Texas:
Austin—Bergstrom AFB.
Corpus Christi—USNH.
El Paso:
Fort Bliss.
William Beaumont AH.
Fort Sam Houston—Brooke Army Medical Center.
Fort Worth—Carswell AFB.
Houston—Ellington AFB.
Killeen—Fort Hood.
Lubbock—Reese AFB.
San Angelo—Goodfellow AFB.
San Antonio:
Fort Sam Houston.
Lackland AFB.
Randolph AFB.
Sherman—Perrin AFB.
Texarkana—Red River Arsenal.
Waco—James Connally AFB.
Wichita Falls—Sheppard AFB.
Utah:
Ogden—Hill AFB.
Salt Lake City:
Recruiting Main Station, Fort Douglas.
U. S. Army Dispensary, Fort Douglas.
Virginia:
Accotink—Fort Belvoir.
Blackstone—Camp Pickett.
Hampton: Langley AFB and Fort Monroe.
Lee Hall—Fort Eustis.
Petersburg—Fort Lee.
Portsmouth—USNH.
Quantico—USNH.
Washington:
Bremerton—USNH, Naval Base.
Moses Lake—Larson AFB.
Seattle—Fort Lawton and Recruiting Main Station.
Spokane: Fairfield AFB and Recruiting Main Station.
Tacoma: Fort Lewis, Madigan AH and McChord AFB.
Wisconsin:
Sparta—Camp McCoy.
Wyoming:
Cheyenne—Francis E. Warren AFB.
Washington, D. C.:
Bolling AFB.
Fort McNair.
U. S. Army Dispensary, the Pentagon.
Walter Reed AH—Physical Examining Section (Outpatient Clinic).
Hospital Ships:
U. S. S. "Consolation".
U. S. S. "Haven".
U. S. S. "Repose".

§ 710.55 *Formal physical examination.* (a) Each candidate who receives an official notification from the Bureau of Naval Personnel, Navy Department, Washington 25, D. C., authorizing him to report for formal physical examination must bear all expenses for travel and subsistence incident this examination. The formal physical examinations will be conducted usually during the period from May 1 to May 10 each year and every duly nominated candidate will be notified by the Bureau of Naval Personnel when and where to report for the examination. Normally, it will require only 1 day. In case of urgent necessity for change in the place or date of examination, within the 10-day period, written or telegraphic request should be addressed to the Bureau of Naval Personnel, address as above.

(b) In order to assist in the determination of muscular coordination, strength, and endurance, a physical aptitude examination wil be given in conjunction with the formal physical examination. The physical aptitude examination will consist of a series of tests such as push-ups, pull-ups, Burpee, sit-ups, and one arm hang. Failure to obtain a passing grade in this examination may be cause for rejection.

(c) When reporting for the formal physical examination, candidates should take with them clothing and shoes suitable for use when undergoing the required physical exercises.

INSTALLATIONS CONDUCTING FORMAL PHYSICAL EXAMINATIONS FOR THE U. S. NAVAL ACADEMY

U. S. Naval Hospital, Chelsea, Mass.
U. S. Naval Hospital, St. Albans, Long Island, N. Y.
U. S. Naval Hospital, Philadelphia, Pa.
Permanent Board of Medical Examiners, U. S. Naval Academy, Annapolis, Md.
U. S. Naval Hospital, Portsmouth, Va.
U. S. Naval Hospital, Charleston, S. C.
U. S. Naval Hospital, Memphis, Tenn.
U. S. Naval Hospital, Pensacola, Fla.
U. S. Naval Hospital, Key West, Fla.
U. S. Naval Hospital, Jacksonville, Fla.
U. S. Naval Hospital, Corpus Christi, Tex.
U. S. Naval Air Station, Dallas, Tex.
U. S. Naval Hospital, Great Lakes, Ill.
U. S. Naval Air Station, Olathe, Kan.
U. S. Naval Air Station, Denver, Colo.
U. S. Naval Hospital, San Diego, Calif.
U. S. Naval Hospital, Oakland, Calif.
U. S. Naval Hospital, Bremerton, Wash.
Naval Unit, Tripler General Hospital, Honolulu, T. H.
U. S. Naval Hospital, Coco Solo, C. Z.

(d) The U. S. Naval Hospital, Bainbridge, Md., will provide similar service to the enlisted candidates at the U. S. Naval Preparatory School, U. S. Naval Training Center, Bainbridge, Md., upon completion of the scholastic entrance examinations.

§ 710.56 *Physical reexamination.* Candidates rejected by a medical examining board because of defects which can be corrected promptly, or who desire reexamination for other reasons, may be given a reexamination by the Board of Medical Review at the United States Naval Academy, Annapolis, Md., upon authorization by the Bureau of Naval Personnel. The findings of the Board of Medical Review will be final. Candidates desiring to avail themselves of this privilege must make written request to the Bureau of Naval Personnel by June 1. The physical reexaminations will be conducted late in June. The cost of travel to and from Annapolis, and subsistence, must be borne by the candidate. Those who are found qualified by the Board of Medical Review and who are otherwise eligible for appointment may remain at Annapolis for the brief period prior to actual admission as midshipman.

ENTRANCE PROCEDURE AND EQUIPMENT

§ 710.57 *Appointments as midshipmen.* (a) Candidates for whom there are vacancies, who have subscribed the "Engagement to Serve" and who have met the mental, moral, and physical requirements will receive appointments as midshipmen and be admitted as such to the Naval Academy.

(b) Each candidate will be required to certify on honor his exact age.

§ 710.58 *Execution of loyalty certificate.* (a) In keeping with the national policy announced by the President of the United States in Executive Order 9835, approved 21 March 1947, and as directed by the Secretary of the Navy, candidates for appointment as midshipman are required to execute a loyalty certificate. The purpose of this certificate is to aid in determining whether the candidate's conduct or associations, past or present, have been such as to cast any doubt whatever upon his loyalty to the Government of the United States.

(b) The loyalty certificate includes a list of those agencies, groups, etc., designated by the Attorney General of the United States to be totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

(c) The admission of conduct or association, past or present, within the purview of acts as defined in the certificate, or association with any of the groups or organizations designated by the Attorney General, shall preclude appointment pending investigation and determination of eligibility by the Department of the Navy.

(d) False representation, or failure fully to disclose conduct or associations

defined in the certificate shall constitute grounds for trial before a general court martial with possible consequent conviction and imprisonment, or for separation from the naval service under conditions other than honorable, with or without any precedent court-martial procedure.

§ 710.59 *Execution of oath of office.* (a) Each candidate for midshipman upon entrance will be required to take oath of office as follows:

I, _____, of the State of _____ aged _____ years _____ months, having been appointed a midshipman in the United States Navy, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So Help Me God.

(b) He will also be required to subscribe to the following under oath:

For and in consideration of the privileges, opportunities, and benefits afforded me during the continuance of my service as a midshipman, I agree to and with the Superintendent of the United States Naval Academy, as follows:

First: To enter the service of the Navy of the United States and to the utmost of my power and ability to be in everything conformable and obedient to the several requirements and lawful commands of the officers who may be placed over me.

Second: I oblige myself, during such service, to comply with and be subject to the Uniform Code of Military Justice and such other laws and regulations as are or shall be established by the Congress of the United States or other competent authority.

Third: To submit to treatment for the prevention of smallpox, typhoid (typhoid prophylaxis), and to such other preventive measures as may be considered necessary by naval authorities.

§ 710.60 *Course of training; standing in class.* All midshipmen at the Naval Academy take the same course of instruction except in Foreign Languages. The course is of 4 years' duration and is designed for the purpose of training students to become officers in the Navy. The word "officers" as used in the foregoing sentence means officers of the line and does not include officers of the Medical Corps, Dental Corps, etc. No special courses are offered. No midshipman, regardless of his special qualifications or advanced education, can be given advanced standing upon his admission to the Naval Academy. However, these factors should be especially beneficial in that they should enable a midshipman to stand near the top of his class. His relative standing in his class upon graduation has an important bearing on promotions after being commissioned an officer in the Navy.

§ 710.61 *Pay of midshipmen.* The pay of a midshipman is $973.44 a year, commencing at the date of his admission, and is designed to meet all his expenses while at the Naval Academy.

§ 710.62 *Insurance.* Midshipmen are covered under the provisions of the Servicemen's Indemnity and Insurance Acts of 1951, i. e., Public Law No. 23—82d Congress.

§ 710.63 *Personal effects.* Midshipmen, immediately upon entrance, will be required to purchase from the midshipmen's storekeeper a regulation entrance outfit. Slide rules and drawing sets are furnished as part of the outfit. Candidates are advised, therefore, not to purchase these items for use at the Academy prior to entering.

§ 710.64 *Deposit required.* Each candidate who has qualified mentally and physically must, before being admitted as a midshipman, deposit with the midshipmen's storekeeper the sum of $100, to be used in part payment to cover cost of uniforms, clothing, textbooks, etc. The amount deposited is not refunded, but is expended for clothing and textbooks, which become the property of the midshipman. This deposit should be made in the form of cash, cashier's check, certified check, traveler's check, or postal or telegraph money order and must not be made payable to the order of the Superintendent of the United States Naval Academy but should be made payable to the candidate's own order and presented to the midshipmen's storekeeper at the Naval Academy at the time of entrance. Commercial paper made payable in any other form causes needless delay and inconvenience.

§ 710.65 *Credit allowance.* The required regulation entrance outfit, plus the additional uniforms, clothing, and textbooks required the first year, are valued at approximately $965. Candidates are required to deposit a minimum of $100 as a prerequisite to appointment as midshipman. This $100 deposit is supplemented by an entrance credit of $600 upon first admission to the Naval Academy. The $600 credit is a loan advanced by the Government to be subsequently repaid by deductions from the midshipman's pay. Thus the sum of $700 is available toward defraying the cost of the uniforms and equipment essential during the first year. Repayment of the indebtedness is accomplished by monthly deductions of $20 from the midshipman's pay, beginning in October of the second year at the Naval Academy and continuing until the indebtedness is liquidated. By thrift during the progress of the 4-year course at the Naval Academy, it is still possible for midshipmen to accumulate a modest surplus of funds, to aid in the purchase of graduation outfit and equipment upon being commissioned in any of the armed services. The amount of this surplus is seriously reduced due to repayment of the entrance credit and is further dependent upon the degree of thriftiness which the individual exercises in expending for optional and incidental items. Any midshipman desiring to do so may repay this $600 entrance credit from personal funds immediately after appointment as midshipman. Midshipmen who are involuntarily separated from the Naval Academy prior to repayment of the entrance credit, are required to turn in all articles of uniform and equipment deemed suitable for reissue, to an amount sufficient to liquidate the indebtedness. If reclaimed articles are insufficient to cover the indebtedness, the remainder of the debt is canceled. Midshipmen applying for voluntary separation for their own convenience are required to repay in full the amount of indebtedness prior to such separation and here also articles acceptable for reissue may be turned in toward repayment of indebtedness.

§ 710.66 *Mileage allowance.* Upon being admitted to the Naval Academy, midshipmen receive the travel and transportation allowances prescribed in paragraph 5001, Joint Travel Regulations. A mileage allowance of 6 cents per mile is payable for all authorized travel within the United States. A monetary allowance of 5 cents per mile is payable for all authorized land travel outside the United States. In addition, reimbursement will be made for the actual cost of passage fares on commercial vessels if sea travel is involved and provided no Government transportation is available. In the event travel originates outside the United States, candidates must contact the nearest naval activity for information as to the availability of Government transportation before endeavoring to procure commercial transportation. The money to which entitled is credited to their accounts after they have actually become midshipmen. This money usually is retained on the midshipman's account to his credit, and his account is thereby in much better condition when he desires money for leave on the practice cruise or during his first September leave. If parents desire to be reimbursed for the money advanced their sons to make the trip to Annapolis, the mileage allowance may be sent to them, providing the midshipman makes written request to the Commandant of Midshipmen.

§ 710.67 *Available accommodations for candidates taking formal physical examination.* Candidates are usually sworn in as midshipmen on the day they are accepted for admission, i. e., the date of reporting at the Naval Academy as designated in the authorization to report issued by the Bureau of Naval Personnel. Due to limited living accommodations in the city of Annapolis candidates are urged to time their arrival at Annapolis to coincide as closely as possible with the reporting date, keeping in mind, however, that transportation facilities between Washington and Baltimore and Annapolis are not unlimited. Those arriving in Annapolis a day or two prior to actual reporting date may take advantage of berthing and messing facilities made available in Bancroft Hall, the midshipmen's dormitory. The cost for bed and meals per day is equal to the cost of a midshipman's daily ration allowance.

APPENDIX A—COURSE OF INSTRUCTION 1951-52

FIRST YEAR—FOURTH CLASS

Summer Term

Departments	Total hours	Subjects	Textbooks
Executive	23	Orientation	U. S. Naval Academy Regulations. Orientation Movies.
	53	Infantry drill	
Seamanship and Navigation	56	Practical seamanship	Elementary Seamanship. Bluejacket's Manual. Knight's Modern Seamanship.
Ordnance and Gunnery	49	Small arms	
Marine Engineering	32	General marine engineering and basic shop practices.	
Electrical Engineering	2	Chemistry	Department's Measurements and Mathematical Operations (mimeo).
English, History and Government.	35	Library and Museum orientation.	Book of the Navy, by Roberts and Brentano.
		Readings in naval history	Naval Orientation.
		Lectures in naval history	
		Examination	
Foreign Languages	1	Language interviews and placement tests.	
Physical Training	30	Physical achievement tests. Basic instruction in swimming, boxing and wrestling. Orieutation in 5 additional sports.	Physical Training Plebe Summer Drill Manual (revised).
Hygiene	4	Personal hygiene, including social aud mental hygiene, oral hygiene, care of the eyes, preventable diseases, and rules for maintaining health.	No textbook is required. Moving pictures are employed.

The total hours shown above represent the maximum. The admission of the new fourth class began on July 2 and continued through the early part of the summer. The extent of individual participation depended upon the date of entrance.

First Term

Departments	Periods each week		Subjects	Textbooks
	Rec.	Prac. work (lab., etc.)		
Weeks [1]	10 8	10 8		
Marine Engineering		6	Engineering drawing	Fundamentals of Descriptive Geometry by Department of Marine Engineering. Fundamentals of Engineering Drawing, Warren J. Luzadder, revised edition 1949.
Mathematics	5		Plane trigonometry	Plane Trigonometry, revised, 1946, by Sparks and Rees. Manual of Mathematics aud Mechanics, second edition, by Clements and Wilson. Pickett's Slide Rule No. 500 with Manual.
			Algebra	Brief College Algebra, revised edition, by Hart.
			Plane Analytic Geometry.	Analytic Geometry, revised edition, by Roscoe Woods.

[1] This class had assigned classwork in the Departments of Marine Engineering and Mathematics for a total of 19 weeks during this term. In all other departments, the term was 18 weeks in length.

APPENDIX A—COURSE OF INSTRUCTION 1951-1952—Continued

FIRST YEAR—FOURTH CLASS—continued

First Term—Continued

Departments	Periods each week		Subjects	Textbooks
	Rec.	Prac. work (lab., etc.)		
Weeks [1]	10 8	10 8		
Electrical Engineering	3	2	Chemistry	Brinkley's Principles of General Chemistry, fourth edition (1951). Department's Chemistry Laboratory Manual and Department Notes, 1950 edition.
English, History and Government.	2 | 4		Composition and literature.	Webster's New Collegiate Dictionary. Factual Prose, by Blair and Gerber. Better College English, by Bowyer, et al. Handbook for Writers, by Leggett, Mead and Charvat. Giants in the Earth by Rolvaag.
Foreign Languages	3		Spanish	Spanish for Conversation, by Leslie. Appleton's New English-Spanish and Spanish-English Dictionary, by Cuayás.
			Spanish (Advanced)	Same as Third Class.
			French	Beginning French, by Hendrix and Meiden, Concise French and English Dictionary, by Mansion.
			French (Advanced)	Pronunciation Pamphlet (Departmental Transcription). A first Review of French Grammar, by Fundenburg, Tovaritch, by Ernest and Harvitt. Intermediate Readings in French Prose, by Galpin and Milligan. Concise French and English Dictionary by Mansion.
			German	Phonetics Pamphlet (Departmental Transcription). German Reading Grammar, by Sharp and Strothman. Auf Dem Dorfe, by Meyer (top sections only). In Der Stadt, by Meyer (top only). Heath's New German Dictionary, by Breul.
			Portuguese	Pamphlet on Portuguese Pronunciation (Departmental Transcription). First Brazilian Grammar, by Williams. Anedotas Fáceis, by Hamilton and Fahs, Modern Portuguese-English and English-Portuguese Dictionary, by Richardson and Sá Pereira.
			Russian	Russian Conversation and Grammar (U. S. N. I.) Russian-English Dictionary, by Smirnitzky.
			Italian	Present Day Italian, by Russo. Italian-English and English-Italian Dictionary, by Edgren.
			Reverse Spanish/Portuguese.	Primer Curso de Inglés, by Sparkman.
Physical Training		2 | 1	Posture, boxing, wrestling, gymnastics, swimming, agility test.	Physical Training Drill Manual, 1951-52.

[1] This class had assigned classwork in the Departments of Marine Engineering and Mathematics for a total of 19 weeks during this term. In all other departments, the term was 18 weeks in length.

APPENDIX A—COURSE OF INSTRUCTION 1951–1952—Continued

FIRST YEAR—FOURTH CLASS—continued

Second Term

Departments	Periods each week: Rec.		Periods each week: Prac. work (lab., etc.)		Subjects	Textbooks
Weeks	8	9	8	9		
Marine Engineering				[1] 6	Engineering drawing	Fundamentals of Engineering Drawing, by Warren J. Luzadder, revised edition 1949.
					Naval boilers	Naval Boilers, 1949, by Department of Marine Engineering.
					General marino engineering.	General Marine Engineering, by Department of Marine Engineering.
Mathematics	3				Solid Analytic Geometry	Analytic Geometry, revised edition, by Roscoe Woods.
					Calculus	Unified Calculus, by Smith, Salkover and Justice. Slide Rule. Manual of Mathematics and Mechanics.
Electrical Engineering	3	2	2		Chemistry	Brinkley's Principles of General Chemistry, fourth edition (1951). Department's Chemistry Laboratory Manual and Department Notes, 1950 edition.
English, History and Government.	3				Composition and literature.	A College Book of American Literature, by Ellis, Pound, Spohn and Hoffman. The English Heritage, Part II, by Weatherly, Moffett, Prouty and Noyes. King Henry IV, by Shakespeare.
Foreign Languages	3				Spanish	Same as first term plus: Lecturas Escogidas, by Kasten and Neale-Silva.
					Spanish (Advanced)	Same as Third Class.
					French	Same as first term plus: Lectures Francaises, Elementary, by Ernst and Schwarz.
					French (Advanced)	Same as first term plus: Carmen Et Autres Nouvelles, by Mérimée. New Naval Phraseology (U. S. N. I.).
					German	Same as first term plus: Himmel, Meine Schuhe, by Fröschel. Genialische Jugend, by Meyer (top sections only). Say It In German, by Evans and Röseler (top sections only).
					Portuguese	Same as first term plus: Artigos E Contos Portugueses, by Dale.
					Russian	Same as first term.
					Italian	Same as first term plus: Nel Paese Del Sole, by Russo.
Physical Training			2		Swimming, volleyball, basketball, wrestling, handball, safety training, applied strength test.	Physical Training Manual, 1951–52.

[1] Eight weeks of engineering drawing and 9 weeks of naval boilers and general marine engineering.

R. B. ANDERSON,
Secretary of the Navy.

FEBRUARY 16, 1953.

[F. R. Doc. 53–1757; Filed, Feb. 24, 1953; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART A—STEP INCREASES

DEFINITIONS; WAITING PERIOD

1. Effective upon publication in the FEDERAL REGISTER, § 25.11 (e) (2) is amended to read as follows:

§ 25.11 *Definitions.* * * *

(e) *Waiting period.* * * *

(2) Leave without pay, furlough, or suspension not in excess of two work weeks.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 53–1777; Filed, Feb. 24, 1953; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

DIRECT OR INDIRECT ADDITION OF ANTIBIOTIC DRUGS TO FOODS FOR HUMAN CONSUMPTION

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.29 *Direct or indirect addition of antibiotic drugs to foods for human consumption.* (a) The Food and Drug Administration has received inquiries concerning the use of antibiotic drugs as food preservatives. Careful consideration has been given to this question and the conclusion has been reached that such use constitutes a public-health hazard. Consumption of food so treated may cause sensitization of the consumer to such antibiotics and may result in the emergence of strains of pathogenic micro-organisms resistant to these drugs.

(b) The presence of antibiotic drugs in foods intended for human consumption, or the direct or indirect addition of such drugs to such foods, may be deemed an adulteration within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act (sec. 402, 52 Stat. 1046; 21 U. S. C. 342).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 18, 1953.

[SEAL] OVETA CULP HOBBY,
Administrator.

[F. R. Doc. 53–1784; Filed, Feb. 24, 1953; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

REVISION OF FCC FORM 323

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having before it for consideration its revised FCC Form 323 (Ownership Report) adopted December 12, 1952; and

It appearing, that paragraph 8, lines 7 and 8, requires that licensees report annually the total consideration paid by each stockholder for the stock and the date of acquisition of such stock; and

It further appearing, that the foregoing information is not needed by the Commission and that the requirement for its submission imposes an unnecessary burden on licensees.

It is ordered, That, effective immediately, pursuant to authority under sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, FCC Form 323 (Rev. 12–52) Ownership Report is revised so as to delete therefrom the requirement that lines 7 and 8 of paragraph 8 must be filled out for each stockholder when the form is used to render an annual ownership report;

It is further ordered, That FCC Form 323, Ownership Report is amended by the deletion of the Note appearing at top of page 3 and the substitution of the following:

NOTE: (Read carefully): The numbered items below refer to line numbers in the following table. Lines 1 thru 17 should be filled out completely when this form is filed to report stock transactions pursuant to Instruction 1 (c). Lines 1 thru 8, inclusive, should be filled out when the form is used to report ownership after receipt of original construction permit, or consummation, pursuant to Commission consent, of a transfer of control, or assignment of license, pursuant to Instruction 1 (b). Lines 1 thru 6, inclusive, should be filled out when the form is used to report annually pursuant to Instruction 1 (a). Use one column per stockholder. (Attach additional pages if necessary.)

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1767; Filed, Feb. 24, 1953; 8:48 a. m.]

[Docket No. 10373]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 (b) *Table of assignments,* rules governing television broadcast stations; Docket No. 10373.

1. The Commission has under consideration its notice of proposed rule making issued January 9, 1953 (FCC 53-19), and published in the FEDERAL REGISTER on January 15, 1953 (18 F. R. 322), proposing to assign UHF Channel 65+ to Newton, Iowa, in lieu of UHF Channel 29— and UHF Channel 69 to Bogalusa, Louisiana, in lieu of UHF Channel 39 in order to correct substandard assignment spacings in the Table of Assignments.

2. In accordance with the provisions of paragraph 4 of the aforesaid notice of proposed rule making, the time for filing comments therein expired January 26, 1953. No comments opposing the proposed amendment in Newton, Iowa, were filed. Miss-Lou, Inc., an applicant for a new television station to be operated on Channel 39 in Bogalusa, Louisiana, opposed the proposal to substitute Channel 69 for Channel 39 in Bogalusa. Miss-Lou, Inc., urged that the change in assignment to Bogalusa would result in an inferior service in Bogalusa due to the higher frequency involved. Miss-Lou, Inc., did not offer any counterproposal to the Commission's proposal. Supreme Broadcasting Company, Inc., New Orleans, Louisiana, filed an opposition to the comments of Miss-Lou, Inc.

3. In the Sixth Report and Order in Docket 8736 et al., paragraph 337, the Commission found that "The record contains no basis for distinguishing between channels in the UHF band for the purpose of establishing a Table of Assignments." Miss-Lou, Inc., has not advanced any arguments as to why the Commission should deviate from this position nor has it advanced any other proposal which would remove the deficiency in the assignment of Channel 39 in Bogalusa and Channel 32 in New Orleans.

4. In view of the foregoing: *It is ordered,* That effective 30 days from the publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

City	Channel No.	
	Delete	Add
Newton, Iowa	29—	65+
Bogalusa, La	39	69

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, as amended, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: February 11, 1953.

Released: February 12, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1768; Filed, Feb. 24, 1953; 8:48 a. m.]

[Docket No. 9751]

PART 5—EXPERIMENTAL RADIO SERVICES

REVISION OF PART

In the matter of revision of Part 5 of the Commission's rules governing Experimental Radio Services; Docket No. 9751.

On August 2, 1950, the Commission issued a notice of proposed rule making in the above-entitled matter. Interested persons were given until September 15, 1950, to file comments thereon. Five comments from interested parties were received. These comments appear to be in general agreement with the proposed rules. Certain specific recommendations were made ranging from editorial modifications of the text to the deletion of certain portions of the proposed rules. The Commission has made many of these changes in the final rules.

Several of the comments received recommended various changes in the rules which would permit "greater latitude on the part of those performing the experimental activities". These range from the suggestion made by the American Telephone and Telegraph Company that Subparts C and D which relate to technical standards and operating requirements not be applied to the research classes of experimental authorizations, to the suggestion made by Motorola, Inc. that certain specific frequencies above 25 Mc be assigned to an applicant for experimentation with no limitation on the use of those frequencies. The proposed rules have been modified to permit waiver of the technical operating standards in instances where the applicant makes a showing that such provisions are impractical or undesirable in view of the nature of the proposed operation. It has been the experience of the Commission that in most instances experimental operations can comply with the technical standards and operating conditions set forth in the proposed rules. It is believed that with provision for waiver of particular provisions upon showing by the applicant that those provisions are inapplicable or impractical in view of the operation proposed, adequate latitude will be afforded.

The proposal that a number of frequencies above 25 Mc be made available exclusively for experimental use is not possible within this proceeding since all of the usable frequencies in that portion have already been allocated to the use of particular services. Any change in this allocation scheme would require a separate rule-making proceeding to determine the relative need for the frequencies among experimental users and the various services to which the frequencies are already allocated. The Commission will give consideration to any request to institute such separate proceedings but sees no reason to delay finalization of these rules.

The proposed rules have been modified by deleting certain portions relating to information concerning experimental operations performed under governmental contracts. This deletion was made at the suggestion of the military agencies who have agreed to supply such justification as might be necessary with respect to these operations.

All of the comments have received careful consideration and it appears that no new issues or facts which would require oral argument or hearing are raised by said comments, and it is not believed oral argument or hearing would contribute to a decision in this matter. *Accordingly, it is ordered,* This 11th day of February 1953, that Part 5 of the Commission's rules and regulations relating to Experimental Radio Services shall become effective March 17, 1953, as set forth below.

It is further ordered, That all references to sections of Part 5 of the Commission's rules included in outstanding experimental authorizations shall be construed to mean the corresponding sections of revised Part 5 when such revision becomes effective.

Released: February 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART A—GENERAL

Sec.
5.1 Basis and purpose.
5.2 Services available.
5.3 Definition of terms.
5.4 General citizenship restrictions.
5.5 Transfer and assignment of station authorization.

SUBPART B—APPLICATIONS AND LICENSES

5.51 Station authorization required.
5.52 Procedure for obtaining a radio station license.
5.53 Filing of applications.
5.54 Who may sign applications.
5.55 Forms to be used.
5.56 Procedure for obtaining a special temporary authorization.
5.57 Supplementary statements required.
5.58 Partial grant.
5.59 Defective applications.
5.60 Amendment or dismissal of applications.
5.61 Construction period.
5.62 Licenses required for separate experimental projects.
5.63 License period.
5.64 Change in equipment.
5.65 Operation at a temporary location.
5.66 Discontinuance of station operation.
5.67 Policy governing the assignment of frequencies.
5.68 Cancellation provisions.

SUBPART C—TECHNICAL STANDARDS

5.101 Frequency stability.
5.102 Types of emission.
5.103 Emission limitations.

[1] Commissioner Merrill's concurring statement filed as part of original document.

Sec.
5.104 Modulation requirements.
5.105 Power and antenna height.
5.106 Transmitter control requirements.
5.107 Transmitter measurements.

SUBPART D—OPERATING REQUIREMENTS

5.151 General limitations on use.
5.152 Station identification.
5.153 Suspension of transmission required.
5.154 Mobile installations in vehicles not under the continuous control of the licensee.
5.155 Operator requirements.
5.156 Evidence of operator license.
5.157 Transmitter identification card and posting of station license.
5.158 Authorized points of communication.
5.159 Operation during an emergency.
5.160 Inspection of stations.
5.161 Inspection and maintenance of tower marking and associated control equipment.
5.162 Answers to notice of violations.
5.163 Content of station records.
5.164 Form of station records.
5.165 Retention of station records.
5.166 Adherence to program of research.

SUBPART E—EXPERIMENTAL SERVICE (RESEARCH)

5.201 Eligibility for license.
5.202 Scope of service.
5.203 Frequencies available for assignment to stations operating in the Experimental Service (Research).
5.204 Experimental report.

SUBPART F—EXPERIMENTAL SERVICE (DEVELOPMENTAL)

5.251 Eligibility for license.
5.252 Scope of service.
5.253 Frequencies available for assignment to stations operating in the Experimental Service (Developmental).
5.254 Special procedure for the development of a new service or for the use of frequencies not in accordance with the Table of Frequency Allocations.
5.255 Experimental report.

AUTHORITY: §§ 5.1 to 5.255 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

CROSS REFERENCE TABLE TO REVISED PART 5

Old No.	New No.
5.1	Revised; 5.2, 5.3 (c).
5.2	Revised; 5.3 (d), 5.3 (e).
5.3	Revised; 5.3 (d), 5.3 (e).
5.4	Deleted.
5.11	5.201, 5.251.
5.12	5.57.
5.13	5.62.
5.14	5.151, 5.202, 5.202.
5.15	5.67.
5.16	Deleted.
5.17	5.166 (a).
5.18	Deleted.
5.19	5.166 (b).
5.20	5.57.
5.21	5.67, 5.203, 5.253.
5.22	5.101.
5.23	5.107.
5.24	5.105.
5.25	5.64.
5.26	5.155.
5.27	Deleted.
5.28	5.163.
5.29	5.157.
5.30	5.156.
5.31	5.204, 5.255.
5.32	5.55 (g), 5.63.
5.33	5.56.
5.51	Revised; 5.201, 5.251.
5.52	5.57.
5.53	Revised; 5.202, 5.252.
5.54	5.68.
5.55	Revised; 5.204.
5.71	Revised; 5.251.
5.72	5.57.

CROSS REFERENCE TABLE TO REVISED PART 5—Continued

Old No.	New No.
5.73	Deleted.
5.74	Revised; 5.252.
5.75	5.255.
5.91	Deleted.
5.92	Do.
5.93	Do.
5.94	Do.
5.95	Do.
5.96	Do.
5.97	Do.

SUBPART A—GENERAL

§ 5.1 *Basis and purpose.* (a) The rules following in this part are promulgated pursuant to the provisions of Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of this part is to prescribe the manner in which parts of the radio frequency spectrum may be made available for experimentation as defined in this part and provided for.

§ 5.2 *Services available.* (a) Experimental services are classified, according to the type of experimentations permitted, into two categories as follows:

(1) Experimental Service (Research)—Subpart E.

(2) Experimental Service (Developmental)—Subpart F.

§ 5.3 *Definition of terms.* For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter (Frequency Allocations and Treaty Matters; General Rules and Regulations).

(a) *Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

(c) *Experimental service.* A service in which Hertzian waves are employed for purposes of experimentation in the radio art or for purposes of providing essential communications for research projects which could not be conducted without the benefit of such communications.

(d) *Experimental service (research).* An Experimental Service (1) for research in the radio art not related to the development of an established or proposed new service, or (2) for providing essential communications for research projects which could not be conducted without the benefit of such communications.

(e) *Experimental service (developmental).* An Experimental Radio Service for the development of equipment, engineering or operational data, or techniques for an existing or proposed radio service.

(f) *Fixed service.* A service of radiocommunication between specified fixed points.

(g) *Fixed station.* A station in the fixed service.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the Table of Frequency Allocations and other provisions of Part 2 of this chapter.

(i) *Landing area.* As defined by Title I, section I (22) of the Civil Aeronautics Act of 1938, as amended, landing area means any locality, either of land or water, including airdromes and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(j) *Land station.* A station in the mobile service not intended for operation while in motion.

(k) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(l) *Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

(m) *Mean power of radio transmitter.* The power supplied to the antenna during normal operation, averaged over a time sufficiently long compared to the period corresponding to the lowest frequency encountered in actual modulation.

(n) *Peak power of a radio transmitter.* The mean power supplied to the antenna during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

(o) *Person.* An individual, partnership, association, joint stock company, trust, or corporation.

(p) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(q) *Radio service.* An administrative subdivision of the field of radio-communication. In an engineering sense, the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups of persons licensed under this part.

(r) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

§ 5.4 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which more than one-fifth of the capital stock is

owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country.

(e) Any corporation of which any officer or director is an alien.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representative; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 5.5 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to transfer or assign a station authorization shall be submitted on the forms prescribed by § 5.55.

SUBPART B—APPLICATIONS AND LICENSES

§ 5.51 *Station authorization required.* No radio transmitter shall be operated in the Experimental Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 5.52 *Procedure for obtaining a radio station license.* (a) The first step toward obtaining a station license is the filing of an application for a construction permit in accordance with this part. After the construction and installation are completed, an application for station license may be submitted in accordance with § 5.55.

(b) In the case of complete transmitters which are to be used without modification and the installation of which requires only the interconnection of the transmitter units, the application for license may be submitted simultaneously with the application for construction permit, except in those instances in which the filing of Form 401–A is required under § 5.55.

(c) When the design and construction of the transmitting equipment is an integral part of the experimental program, the application for license may be submitted simultaneously with the application for construction permit, except in those instances when the filing of Form 401–A is required under § 5.55.

§ 5.53 *Filing of applications.* (a) To assure that necessary information is supplied in a consistant manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Experimental Services are discussed in § 5.55 and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 5.55 (k) should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commisson's office at Washington, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Each application for station authorization shall be specific and complete with regard to station location, proposed equipment, power, antenna height, and operating frequency; and other information required by the application form and this part.

(e) Applications involving operation at temporary locations:

(1) When a land station or a fixed station is to remain at a single location for less than six months, the location is considered to be temporary and the procedure outlined in § 5.65 shall apply.

(2) When a land station or fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the six-month period.

(f) Unless otherwise specified in a particular case or for a particular form, each application shall be filed in duplicate.

§ 5.54 *Who may sign applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant if the applicant be an individual, by any one of the partners if an applicant be a partnership, by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association.

§ 5.55 *Forms to be used.* (a) Application for construction permit for land stations and fixed stations. A separate application for construction permit shall be submitted on FCC Form 401 for each base station and each fixed station. Such applications shall be accompanied by FCC Form 401–A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(b) *Description of antenna structure.* When required to be submitted, by the terms of paragraph (a) of this section, FCC Form 401–A shall be submitted in triplicate. There shall be attached to each copy of the form a sketch showing the antenna and supporting structure as well as a map showing the location of the antenna, landing areas in the vicinity thereof, and all tall structures that may affect the requirement for marking the antenna or supporting structure.

(c) *Application for construction permit for mobile station.* Application for construction permit for each mobile station comprising any specified number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(d) *Application for station license.* Application for station license shall be filed on FCC Form 403 upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(e) *Application for modification of construction permit.* Separate application for modification of construction permit shall be submitted on FCC Form 401 for each station to be located at a fixed point. Application for modification of construction permit for any number of mobile units to be operated in the same service, including hand-carried or pack-carried units, may be combined into one application and shall be submitted on FCC Form 401.

(f) *Application for modification of station license.* Application for modification of station license shall be submitted on FCC Form 403. A blanket application for modification of a group of station licenses of the same class may be submitted in those cases where the modification requested is the same for all stations covered by the application. The individual stations covered by such application shall be clearly identified therein.

(g) *Application for renewal of station license.* Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Com-

mission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(h) *Application for additional time to construct radio station.* FCC Form 701 shall be submitted in duplicate, whenever it is necessary to request an extension of the time limit specified on a valid construction permit.

(i) *Application for consent to assignment of radio station construction permit or license.* Application on FCC Form 702 shall be submitted when the legal right to construct or to control the use and operation of a station is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a station authorization or by involuntary assignment of the physical property constituting the station under a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Such application must be accompanied by statements signed by the proposed assignee which supply information required of an original licensee by § 5.57.

(j) *Application for consent to transfer of control of corporation holding construction permit or station license.* Application for consent to transfer of control shall be submitted on FCC Form 703 whenever it is proposed to change the control of a corporation holding a station authorization.

(k) *Informal application.* (1) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(2) An informal application for authority to operate transmitting equipment will be accepted only under the conditions set forth in § 5.56.

§ 5.56 *Procedure for obtaining a special temporary authorization.* (a) The Commission may issue a special temporary authorization under this part in cases where a need is shown for operation of an authorized station for a limited time only, in a manner other than that specified in the existing authorization, but not in conflict with the Commission's rules.

(b) An application for special temporary authorization may be filed as an informal application in the manner prescribed by § 5.55 (k) and shall contain the following information:

(1) Name and address.

(2) Need for special action.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of proposed operation.

(6) Class of station, call sign of station, and nature of service.

(7) Location of proposed operation.

(8) Equipment to be used, including name of manufacturer, model and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Antenna height. (FCC Form 401–A shall be filed if required by § 5.55 (b).)

(c) No request for special temporary authorization will be considered unless full particulars as to the purpose for which the request is made are stated.

§ 5.57 *Supplementary statements required*—(a) *Showing.* Each applicant for an authorization in the Experimental Radio Service must enclose with his application for construction permit a factual showing in regard to the following:

(1) That the applicant is a person qualified to carry forward the proposed program of experimentation;

(2) That the program of experimentation will be conducted by qualified personnel, and the applicant possesses adequate technical facilities to carry forward the program and has made adequate financial appropriations toward this end;

(3) That the applicant has an organized plan of experimentation leading to a specific objective;

(4) That the program of experimentation has reasonable promise of contribution to the development, extension, or expansion or utilization of the radio art, or is along lines not already investigated;

(5) That the applicant has a program of experimentation that has reached a stage in the laboratory where actual transmission by radio is essential to its further progress;

(6) That the station(s) shall be operated in accordance with the applicable Commission's rules and regulations and only in such a manner and at such times as to preclude harmful interference with established stations or services.

(b) *Confirmation clauses.* In addition to the showing required by paragraph (a) of this section, a statement shall be filed with and made a part of each application for construction permit for a station in these services confirming the applicant's understanding:

(1) That all operations on the frequencies assigned will be on an experimental basis, and conducted in accordance with the provisions of this part and as specified in the station instrument of authorization;

(2) That the granting of the authority requested shall not be construed as a finding on the part of the Commission:

(i) That the frequencies authorized are the best suited to the particular purpose to be served by the station;

(ii) That the applicant is qualified to operate a station in a service on any basis other than experimental;

(iii) That the applicant will be authorized to operate on any basis other than experimental;

(iv) That the Commission is obligated by the results of the experimental program to make provision in the service-allocation plan for the applicant's type of operation.

(3) That the applicant desires and is willing to conduct and finance the experimental program with full knowledge and understanding of the provisions of this section.

(c) *Applications involving government contracts.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. Such applicants shall include as a part of the application for construction permit the following information:

(1) The contract number and name of the government agency concerned.

(2) The nature of the program of experimentation, security regulations permitting.

(3) The daily hours of operation and the estimated dates of the beginning and end of the specific time period for which the requested authorization is required.

(d) *Applications involving development of equipment for export purposes.* In addition to the information required by paragraphs (a) and (b) of this section, in the case of experimentation for the purpose of developing equipment for export purposes to be employed by stations under the jurisdiction of a foreign government, the application shall include:

(1) The contract number and the name of the foreign government concerned.

(2) The daily hours of operation and the estimated date of the beginning and end of the specific time period for which the authorization is required.

(e) *Applications involving communications essential to a research project.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applications for an authorization in the Experimental Service (Research) to be used for communications essential to a research project. Applicants in this service shall include as a part of the application for construction permit the following:

(1) A description of the nature of the research project being conducted.

(2) A showing that communication facilities are necessary for the research project involved.

(3) A showing that existing communication facilities are inadequate.

§ 5.58 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall within 20 days from the date of such grant, or from its effective date if a later effective date is specified, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action and set the application for hearing.

§ 5.59 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to required questions, execution or other matters of a purely formal character will not

be received for filing by the Commission, and will be returned to the applicant with a brief statement as to the omissions.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 5.60 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All subsequent correspondence or other material which the applicant desires to have incorporated as a part of an application already filed shall be submitted in the form of an amendment to the application.

§ 5.61 *Construction period.* Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

§ 5.62 *License required for separate experimental projects.* A separate station license will be required for each class of station in the experimental radio services. Application for a class of station embracing widely divergent and unrelated experimentations normally will require a separate license for each phase of the experimental program: *Provided, however,* That the Commission may, when circumstances warrant, issue a single license embracing the entire project.

§ 5.63 *License period.* (a) Licenses for stations in the Experimental Radio Services will be issued normally for a period of one year unless otherwise stated in the instrument of authorization, and each respective class of station license shall expire each year at 3:00 a. m., e. s. t., on the first day of the following months:

(1) Experimental Service (Research) October.

(2) Experimental Service (Developmental) November.

(b) Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date of the license, term of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

(c) If the Commission approves a modification of a license, a modified license will be issued for the unexpired license period. If such period is 30 days or less, the application will also be treated as an application for renewal and, if approved, a new authorization will be issued to indicate this unexpired period plus the full succeeding term of the license as designated in paragraph (a) of this section.

§ 5.64 *Change in equipment.* (a) A change may be made in a licensed transmitter without specific authorization from the Commission provided: (1) The change does not result in operation inconsistent with any term of the outstanding authorization for the station involved; and (2) a description of the change is incorporated in the next application for renewal or modification of license.

(b) Prior authorization from the Commission is required before the following antenna changes may be made at a station at a fixed location:

(1) Any change which will either increase the height of a structure supporting the radiating portion of the antenna or decrease the height of a lighted antenna structure.

(2) Any change in the location of an antenna when such relocation involves a change in the geographic coordinates of latitude or longitude by as much as one second, or when such relocation involves a change in street address.

§ 5.65 *Operation at a temporary location.* (a) An application for authority to operate at temporary locations shall specify the general geographical area within which the operation will be confined.

(b) When a station is authorized to operate at temporary locations, the following notification procedure shall be followed:

(1) When the station is placed in operation for the first time, the Engineer in Charge of the Radio District(s) involved shall be notified.

(2) When the station is moved from one location to another, the Engineer in Charge of the Radio District(s) involved shall be notified.

§ 5.66 *Discontinuance of station operation.* In case of permanent discontinuance of operation of a fixed or land station in the experimental services, or in case of permanent discontinuance of operation of all transmitter units listed in the license for a mobile station in the experimental services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the radio district in which the station is located.

§ 5.67 *Policy governing the assignment of frequencies.* (a) Each frequency or band of frequencies, available for assignment to stations in the experimental services is available on a shared basis only, and will not be assigned for the exclusive use of any one applicant, and such use may also be restricted to one or more specified geographical areas. Normally not more than one frequency in a band of frequencies will be assigned for the use of a single applicant unless a showing is made demonstrating that need for the assignment of additional frequencies is essential to the proposed program of experimentation.

(b) Frequency assignments will be made only on the condition that harmful interference will not be caused to any station operating in accordance with the Table of Frequency Allocation of Part 2 of this chapter.

(c) The frequencies available for use in these services are set forth in §§ 5.203 and 5.253.

§ 5.68 *Cancellation provisions.* The applicant for a station in the experimental services accepts the license with the express understanding: (1) That the authority to use the frequency or frequencies assigned is granted upon an experimental basis only and does not confer any right to conduct an activity of a continuing nature; and (2) that said grant is subject to change or cancellation by the Commission at any time without hearing if in its discretion the need for such action arises.

SUBPART C—TECHNICAL STANDARDS

§ 5.101 *Frequency stability.* The frequencies assigned in accordance with the provisions of §§ 5.203 and 5.253 shall be maintained to within the tolerance set forth in the rules governing the service to which the frequencies are assigned in the Table of Frequency Allocations of Part 2 of this chapter unless otherwise designated in the station authorization.

(b) Less restrictive tolerances than those specified in paragraphs (a) and (b) of this section may be authorized for stations in the experimental services provided the applicant presents satisfactory evidence of the need for such tolerances and that the program of research can and will be conducted without causing harmful interference to any other radio service operating in accordance with the Table of Frequency Allocations set forth in Part 2 of this chapter.

§ 5.102 *Types of emission.* (a) Stations in the Experimental Radio Services may be authorized to use any of the classification of emissions covered in Part 2 of this chapter. A request for a specific type of emission not included in paragraph (b) of this section shall be accompanied by a showing of need therefor, which shall include a statement of the band width required for the proposed operations, a full and complete description of the emission specified and the purpose for which such emission is desired.

(b) The following systems of designating emissions, modulation and transmission may be employed:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
1. Amplitude	Absence of any modulation		A0
	Telegraphy without the use of modulating audio frequency (on-off keying).		A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).		A2
	Telephony	Double sideband, full carrier	A3
		Single sideband, reduced carrier	A3a
		Two independent sidebands, reduced carrier.	A3b
	Facsimile		A4
	Television		A5
	Composite transmissions and cases not covered by the above.		A9
	Composite transmissions	Reduced carrier	A9c
2. Frequency (or phase) modulated.	Absence of any modulation		F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).		F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).		F2
	Telephony		F3
	Facsimile		F4
	Television		F5
	Composite transmissions and cases not covered by the above.		F9
3. Pulsed-emissions	Absence of any modulation intended to carry information.		P0
	Telegraph without the use of modulating audio frequency.		P1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating the pulse in amplitude.	P2d
		Audio frequency or audio frequencies modulating the width of the pulse.	P2c
		Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
	Telephony	Amplitude modulated pulse	P3d
		Width modulated pulse	P3c
		Phase (or position) modulated pulse	P3f
	Composite transmissions and cases not not covered by the above.		P9

§ 5.103 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (b) of this section is considered to be an unauthorized emission.

(b) For the purpose of demonstrating compliance with paragraph (a) of this section, the following limits shall apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

Maximum authorized plate power input to the final radio frequency stage:	*Attenuation (db.)*
3 watts or less	40
Over 3 watts and including 25 watts	50
Over 25 watts and including 150 watts	60
Over 150 watts and including 600 watts	70
Over 600 watts	80

(c) When an unauthorized emission results in harmful interference, the Commission may, at its discretion, require appropriate technical changes in equipment to eliminate such interference.

(d) The Commission may, at its discretion, designate limits other than those set forth in paragraph (b) of this section after a proper showing of the need therefor.

§ 5.104 *Modulation requirements.* Modulation requirements of stations in the Experimental Radio Services shall not be in excess of that necessary for the conduct of the authorized program of experimentation nor shall the emissions exceed the limitations imposed by § 5.103, unless specifically authorized by the Commission.

§ 5.105 *Power and antenna height.* (a) The effective radiated power and antenna height which may be used by a station in this service shall be no more than the minimum necessary to satisfactorily carry on the authorized program of experimentation. No station shall operate at any time with power in excess of that authorized in the station instrument of authorization.

(b) The maximum power requested by an applicant shall not be in excess of the maximum obtainable power of the transmitter consistent with satisfactory technical operation.

§ 5.106 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Except where unattended operation is authorized in accordance with § 5.155 (b) (4), each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization from the Commission.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter, or other dependable device, which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision; and capable of receiving transmissions from stations to which harmful interference might be caused.

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

(5) In cases in which the applicant makes a satisfactory showing that one or more of the requirements set forth in subparagraphs (1) through (4) of this paragraph would be inappropriate and requests that such requirements be eliminated or others substituted, the Commission will consider such requests.

§ 5.107 *Transmitter measurements.* (a) Except as provided in paragraph (c) of this section, the licensee of each station in the Experimental Radio Services shall employ suitable procedures to determine that the carrier frequency, power, and modulation do not exceed the limits prescribed in the station authorization.

(b) The transmitter operating characteristics shall be checked and necessary adjustments made when the equipment is originally installed, when any changes are made which might result in operation outside the limits specified

in the instrument of authorization, and as often as necessary to maintain the transmitter operation within the limits specified in the instrument of authorization.

(c) Exceptions to these provisions may be made, provided the applicant makes a satisfactory showing that the nature of the proposed program of experimentation precludes compliance therewith.

SUBPART D—OPERATING REQUIREMENTS

§ 5.151 *General limitations on use.* (a) The following transmission limitations are applicable to all classes of stations in the experimental services and are in addition to the specific requirements applicable to each respective class of service as covered under Subparts E and F of this part:

(1) Stations may make only such transmissions as are necessary and directly related to the conduct of the licensee's stated program of experimentation as specified in his application for construction permit and license and the related station instrument of authorization, and as governed by the provisions of the rules and regulations contained in this part. All transmissions shall be limited to the minimum practical transmission time.

(2) When transmitting, the licensee must use every precaution to insure that the radio frequency energy emitted will not cause harmful interference to the services carried on by stations operating in accordance with the Table of Frequency Allocations of Part 2 of this chapter and, further, that the power radiated is reduced to the lowest practical value consistent with the program of experimentation for which the station authorization is granted. If harmful interference to an established radio service develops, the licensee shall cease transmissions and such transmissions shall not be resumed until it is certain that harmful interference will not be caused.

(b) Unless expressly permitted in the instrument of authorization, experimental stations shall not be used:

(1) To retransmit signals of any other station, except in conjunction with the authorized program of experimentation.

(2) To transmit programs intended for public reception or render any communication service.

§ 5.152 *Station identification.* Each class of station in the experimental services shall, unless specifically exempted by the terms of the station authorization, transmit its assigned call sign at the end of each complete transmission: *Provided, however,* That the transmission of the call sign at the end of each transmission is not required for projects requiring continuous, frequent, or extended use of the transmitting apparatus, if, during such periods and in connection with such use, the call sign is transmitted at least once every thirty minutes.

§ 5.153 *Suspension of transmission required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 5.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in the experimental services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 5.155 *Operator requirements.* (a) All transmitter adjustments which may affect the proper operation of a station shall be made by or under the immediate supervision and responsibility of a person holding a radiotelephone or radiotelegraph first or second class operator license: *Provided, however,* That only a person holding a radiotelegraph first or second class operator license shall perform such functions at a radiotelegraph station transmitting by any type of the Morse code.

(b) A person holding a radiotelephone or radiotelegraph first or second class operator license, as may be appropriate for the type of emission being used, shall be on duty and in charge of the transmitter during the normal rendition of service: *Provided, however,* That if the transmitter is so designed that none of the operations necessary to be performed during the normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, an operator holding any class of commercial radio operator license except Aircraft Radiotelephone Operator Authorization or Temporary Limited Radiotelegraph Second Class Operator License shall be on duty and in charge of the transmitter except:

(1) Only a person holding a commercial radiotelegraph operator license of any class except Temporary Limited Radiotelegraph Second Class shall operate a station when transmitting radiotelegraphy by any type of Morse code: *Provided, however,* That a person holding a commercial radiotelephone operator license of any class except Aircraft Radiotelephone Operator Authorization may operate such station when telegraphy is transmitted by automatic means for identification, testing, or actuating an automatic signalling device.

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 Mc.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 Mc when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 Mc for telemetering purposes or when serving as a relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

(c) The provisions of this section authorizing unlicensed persons to operate certain stations shall be applicable only to stations located within the United States, its territories or possessions and which communicate exclusively with one or more stations located in the United States, its territories or possessions.

(d) The provisions of this section authorizing unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them, or for the proper functioning and operation of those stations in accordance with the terms of the licenses of those stations.

§ 5.156 *Evidence of operator license.* Whenever a licensed operator is required by § 5.155, the original license or verification card of such operator shall be immediately available at the place where the operator is on duty.

§ 5.157 *Transmitter identification card and posting of station license.* (a) The current authorization of each station in these service authorized at a fixed location shall be posted in a conspicuous place in the principal control position of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed transmitter Identification Card (FCC Form No. 452–C, Revised) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee.

(2) Station call sign assigned by the Commission.

(3) Exact location or locations of the station's records of operation.

(4) Frequency or frequencies on which the transmitter is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current station authorization for each station authorized for mobile operation shall be retained as a permanent part of the station record but need not be posted. In addition, a transmitter Identification Card (FCC Form No. 452–C, Revised) executed in accordance with paragraph (a) of this section, shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of, and readily accessible to, the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position.

§ 5.158 *Authorized points of communication.* Stations in the experimental services may communicate only with other stations licensed in the experimental services: *Provided, however,* That upon a satisfactory showing that the proposed communications are essen-

tial to the conduct of the research project, authority may be granted to communicate with stations in other services and U. S. Government stations.

§ 5.159 *Operation during an emergency.* The licensee of any station in the Experimental Radio Services may, during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service by communicating in a manner other than that specified in the station license: *Provided,*

(1) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and

(2) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and

(3) That the Commission at Washington, D. C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,*

(4) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further,*

(5) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 5.160 *Inspection of stations.* All stations and records of stations in the Experimental Services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 5.161 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall operate and maintain the tower marking and associated control equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators, and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months, to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

§ 5.162 *Answers to notices of violations.* Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with an explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such violation.

§ 5.163 *Content of station records.* (a) The licensee of each station in the experimental services shall maintain adequate records of the station's operations, including:

(1) Dates and hours of operation.

(2) All measurements of the frequency(s), including the name of the person making the measurements, the exact frequency measured or the observed deviations from the assigned frequency(s) expressed in cycles, kilocycles or percent plus or minus, and a statement of any corrective action taken.

(3) Power.

(4) Types of emission.

(5) Chronological record of experimentation conducted.

(6) The name of the operator on duty.

(b) For all stations, when service or maintenance duties are performed which may affect their proper operation, the responsible operator shall sign and date an entry in the station record concerned, giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address; and

(3) The class, serial number and expiration date of his license: *Provided, however,* That the information called for under subparagraph (2) of this paragraph and this subparagraph, so long as it remains unchanged, is not required to be repeated in the case of a person who is regularly employed as operator on a full-time basis at the stations.

(c) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon completion of the three-month periodic inspection required by § 5.161.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 5.164 *Form of station records.* (a) The records shall be kept in an orderly manner, in suitable form, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the record shall be signed by a person having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

(d) A copy of this part shall be maintained in the records of each fixed or land station licensed under this part.

§ 5.165 *Retention of station records.* Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 5.166 *Adherence to program of research.* (a) The program of experimentation as stated by an applicant in its application for construction permit or license or in the station instrument of authorization, shall be substantially adhered to unless the licensee is authorized to do otherwise by the Commission.

(b) Where some phases of the experimental program are not covered by the general rules of the Commission or by the rules of this part, the Commission

may specify supplemental or additional requirements or conditions in each case as deemed necessary in the public interest, convenience, or necessity.

SUBPART E—EXPERIMENTAL SERVICE (RESEARCH)

§ 5.201 *Eligibility for license.* Authorizations for stations in the Experimental Service (Research) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for scientific or technical radio research not related to an existing service or proposed service, or for communications in connection with research projects when existing communication facilities are inadequate.

§ 5.202 *Scope of service.* Stations operating in the Experimental Service (Research) will be permitted to conduct the following types of operations:

(a) Experimentations in scientific or technical radio research.

(b) Development of radio technique, equipment or engineering data not relating to an existing or proposed service, including field or factory testing or calibration of equipment.

(c) Experimentations under contractual agreement with the United States Government, or for export purposes.

(d) Communications essential to research projects.

(e) Technical demonstrations of equipment or techniques.

§ 5.203 *Frequencies available for assignment to stations operating in the Experimental Service (Research).* Stations operating in the Experimental Service (Research) may be authorized to use any government or non-government frequency designated in the table of frequency allocation set forth in Part 2 of this chapter as available for assignment to this service: *Provided,* That the need of the specific frequency(s) requested is fully justified by the applicant.

§ 5.204 *Experimental report.* (a) Except in the case of those stations providing essential communications for research projects, a report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires otherwise.

(c) The experimental report shall include comprehensive information on the following items:

(1) Detailed analysis of the results obtained.

(2) Report on the experimentation conducted.

(3) Total number of hours of operation on each frequency assigned.

(4) Copies of publications covering the experimental work.

(5) A list of patents issued as a result of the experimental work.

(6) Any other pertinent information.

Provided, That, in the case of experimentations which are under contractual agreement with the United States, such reports shall include the information in subparagraphs (1) through (6) of this paragraph in so far as security regulations permit.

(d) A showing of continued need shall be included with the application for renewal of an authorization to provide communications essential to a research project.

SUBPART F—EXPERIMENTAL SERVICE (DEVELOPMENTAL)

§ 5.251 *Eligibility for license.* (a) Authorizations for stations in the Experimental Service (Developmental) will be issued only to persons qualified to conduct experimentations utilizing hertzian waves for the development of equipment for use in an existing service or for the development of equipment or technical operational data directly related to a use of radio not provided by existing rules.

(b) Applicants eligible for authorizations in an established service, and seeking to develop operational data or techniques directed toward the improvement or extension of that service, shall conduct such projects under the developmental rules of the established service.

§ 5.252 *Scope of service.* Stations operating in the Experimental Service (Developmental) will be permitted to conduct the following types of operations:

(a) Development of radio equipment, operational or engineering data related to an existing or proposed radio service.

(b) Field strength surveys by persons not eligible for authorization in any other service or the demonstration of equipment by manufacturers to prospective purchasers for proposed stations in existing services. Transmission shall be limited to test messages essential to the installation, extension or development of a radio communication facility and the procedure set forth in § 5.253 (c) shall apply.

(c) Testing of equipment in connection with production or type approval of such equipment.

§ 5.253 *Frequencies available for assignment to stations operating in the Experimental Service (Developmental).* (a) Any frequency allocated in Part 2 of this chapter to a particular service may be assigned for the purposes set forth in § 5.252 provided the proposed operation is in accordance with the rules governing the service involved.

(b) Frequencies which have been allocated in Part 2 of this chapter rules to a shared government and non-government service for which rules governing non-government stations have not been promulgated may be assigned for the purpose indicated in column 8 of the table of frequency allocations contained in § 2.104 of this chapter.

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

(d) Except as provided in paragraph (f) of this section, no developmental authorization for experimentation related to an established service will be made which involves the assignment of frequencies not included in the rules governing such service or the use of allocated frequencies in a manner contrary to the rules governing that service until the Commission has made a determination that such frequency assignment or use is in the public interest. Each application requesting the use of frequencies not allocated to an established service for which a developmental program is planned or which is contrary to the rules governing that service must be accompanied by a petition requesting the amendment of the rules governing the service involved to provide for the proposed operation.

(e) Except as provided in paragraph (f) of this section, frequencies will not be assigned for the development of a service for which no frequencies have been allocated until the Commission has made a preliminary determination that the public interest, convenience, or necessity would be served by the establishment of the service. Such applications must be accompanied by a petition requesting the allocation of frequencies for the proposed service and setting forth the reasons in support of the petition.

(f) Where circumstances require and permit, the Commission may defer action on any petition required by paragraphs (d) and (e) of this section and authorize a grant of limited duration for the sole purpose of developing data which the Commission finds to be necessary to make the determinations with respect to such petitions. Such grants shall in no way be construed as a finding by the Commission with respect to the matters set forth in the petitions or that the operation of any radio station thereunder will serve the public interest, convenience, or necessity beyond the express terms of the particular grant. The terms of such grant, including frequency, power, emission, etc., will be specified in the instrument of authorization.

§ 5.254 *Frequencies available for field strength surveys or equipment demonstration.* (a) Specific frequencies will not normally be designated in a station license issued for the purpose of conducting field strength surveys or equipment demonstrations. Prior to the commencement of a survey, the licensee will request a specific frequency assignment and submit the following information:

(1) Time, date and duration of survey.

(2) Frequency to be used.

(3) Location of transmitter and geographical area to be covered.

(4) Purpose of survey.

(5) Method and equipment to be used.

(6) Names and addresses of persons for whom the survey is conducted.

(b) Upon receipt of authority from the Commission to conduct a particular survey, the licensee shall furnish the Engineer in Charge of the radio district in which the survey is to be conducted, sufficiently in advance to assure receipt before the commencement thereof, the following information: Time, date, duration, frequency, location of transmitter, area to be covered, and purpose of survey.

§ 5.255 *Experimental report.* (a) A report on the results of the experimental program carried on under this subpart shall be filed with and made a part of each application for renewal of license: *Provided, however,* That the licensee shall, upon request, forward experimental reports at such time during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the experimental program.

(b) An applicant may request that the Commission withhold from the public certain reports and associated material, and the Commission will withhold the same unless the public interest requires disclosures.

(c) The experimental report of stations operating in this service for the development of existing services shall include comprehensive information on the following items in the order designated:

(1) Detailed analysis of the results obtained.

(2) Report on the experimental work conducted.

(3) The total number of hours of operation on each frequency.

(4) Copies of any published reports on the program of experimentation.

(5) Any other pertinent information that may be useful to the Commission in evaluating the merits of the proposed operations.

(d) In addition to the information included in paragraph (c) of this section, the experimental report of a station authorized for the development of a new service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

[F. R. Doc. 53-1779; Filed, Feb. 24, 1953; 8:52 a. m.]

[Docket No. 10174]

PART 10—PUBLIC SAFETY RADIO SERVICES

SPECIAL EMERGENCY RADIO SERVICE

In the matter of amendment of Subpart J of Part 10—Public Safety Radio Services; Docket No. 10174.

1. The Commission heretofore, on April 17, 1952, adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on April 26, 1952 (17 F. R. 3750). The amendments proposed to state more clearly the terms and conditions of eligibility for authorizations in the Special Emergency Radio Service; to describe the manner and extent of permissible use of facilities in this service in greater detail and in respect to each type of eligible; and to provide standby facilities for use of persons who operate wire line communication circuits for transmission of messages of a nature that any disruption thereof would endanger life or public property. Experience under the existing rules indicated a need for the proposed changes, if the most efficient administration of the service was to be obtained. For example, considerable difficulty has been encountered in interpretation of the phrases "remote areas" and "where other communication facilities are not available" in connection with the eligibility of physicians under the present rules. Similar difficulties were experienced in regard to the permissible communications and the number and classes of stations for each eligible group.

2. Written comments were received from ten interested parties and organizations. No general opposition to the proposed amendments was expressed in any of the comments, but there was some disagreement concerning certain portions of the amendments proposed. To the extent feasible, suggestions were adopted, and §§ 10.462 (d) and (e), 10.452 (a), (b) and (d), and 10.457 were changed in whole or in part to conform with the views expressed. The bulk of unfavorable comment was directed toward the proposal to revise the eligibility of rural area physicians, veterinarians and school bus operators in a manner which would delete the requirement that other communication facilities be unavailable. These comments, received from several licensees of miscellaneous common carrier communication systems, appear to object to the proposed rule changes on the basis that physicians, veterinarians and school bus operators in rural areas are potential users of public communication facilities.

3. While some of these rural area users may employ common carrier facilities where available, it is thought that the limited number of such users would be insufficient to generate any substantial demand for common carrier service. Further, experience in administering the Special Emergency Radio Service rules since these rural area users were first made eligible, on July 1, 1949, indicates that, from a frequency loading standpoint, it is feasible to remove the restriction relating to unavailability of other communication facilities. Conversely, however, the number of frequencies available to this service does not appear to be sufficient to permit a complete delimitation of the eligibility of physicians or other restricted users. Adoption of the rules as proposed in this regard also will simplify and expedite the administration of the Special Emergency Radio Service, since determinations of availability and adequacy of common carrier facilities no longer will be necessary in processing applications submitted by this limited group of eligibles.

4. On the other hand, one physician regularly practicing on Long Island, New York, objected to the proposed amendment on the ground that the eligibility provided for physicians was too limited and that such eligibility should be further extended to include physicians in urban areas who are under contract to render emergency medical service to public agencies. He asked that oral argument be granted on this proposal. However, this request is denied, since (1) there was no other request for oral argument and the physician's proposal appears to relate only to his own personal desire to operate a radio station in the Special Emergency Radio Service; (2) the substance of this proposal has been previously denied (Petition of Dr. Eugene Rodin to amend Special Emergency Radio Service Rules—denied by the Commission April 17, 1952), and (3) the physician's pending application has been the subject of a public hearing to determine, among other things, his eligibility under the existing rules governing the Special Emergency Radio Service.

5. The subject of providing an unlimited radio communication service for physicians was under study by the Commission over a period of several years prior to the formulation of rules establishing a number of new radio services, effective July 1, 1949, which grew out of the general mobile experimental program. While the advantages of private system operation for all physicians were recognized, it became apparent, as a result of the frequency demands generated during the experimental period, that many potential radio users would have to rely on common carrier systems. In this regard, the Commission, in its Report and Order in Docket 9018, et al. (General Mobile Hearing), dated April 27, 1949, stated in part—

> As a result of a consideration of the experimental data compiled in relation to this service, the comments submitted and the arguments presented, the Commission has concluded that many of the miscellaneous types of users who have been authorized to operate these Special Industrial and private general mobile experimental systems, particularly in urban areas, must, in the future, obtain their mobile radio communication service from common carrier systems, and from the Citizens Radio Service.

6. In general, it appears that public communication facilities available in urban areas are superior to those provided in rural areas, and therefore, the need for unrestricted eligibility seems to be greater in the rural areas. Further, since it has been determined in prior proceedings that there is a recognizable difference between urban and nonurban radio users in regard to the use of common carrier facilities, and since the proposed amendments do not disturb this determination, but rather provide a convenient and easily interpreted norm for determining the eligibility of rural area mobile users in the Special Emergency Radio Service, it appears reasonable and

practicable to adopt the rule amendments in this regard as proposed.

7. In view of the foregoing: *It is ordered,* This 13th day of February 1953, that the amendments to Part 10 of the Commission's rules as set forth below are adopted, effective March 27, 1953.

Released: February 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Sec.
10.451 Availability of service.
10.452 Disaster relief organizations.
10.453 Physicians and veterinarians.
10.454 Ambulances and rescue organizations.
10.455 Beach patrols.
10.456 School buses.
10.457 Communication standby facilities.
10.458 Establishments in isolated areas.
10.459 Emergency repair of public communication facilities.
10.460 Points of communication.
10.461 Station limitations.
10.462 Frequencies available to the Special Emergency Radio Service.

AUTHORITY: §§ 10.451 to 10.462 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART J—SPECIAL EMERGENCY RADIO SERVICE

§ 10.451 *Availability of service.* Special Emergency Radio Service is available only to the extent and for the purposes described in succeeding sections of this subpart. The eligibility requirements, classes of stations available to each eligible group, permissible communications in accordance with eligibility, and other applicable conditions of use are set forth as separate sections of this subpart.

§ 10.452 *Disaster relief organizations*—(a) *Eligibility.* Organizations established for disaster relief purposes and which have an emergency communications plan involving the use of radio are eligible in this service.

(b) *Eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of the communications plan with a full explanation as to how the requested radio facilities would be used under such plan and integrated into any other communication facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate an unlimited number of base, mobile and fixed stations.

(d) *Permissible communications.* Except for transmissions which are necessary for drills and tests as permitted by § 10.151 (e), stations licensed to disaster relief organizations may be used only for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or impending emergency, or disaster, and until substantially normal conditions are restored.

§ 10.453 *Physicians and veterinarians*—(a) *Eligibility.* Physicians and veterinarians are eligible in this service: *Provided,* That the applicant can qualify under the following conditions:

(1) The applicant is a physician or veterinarian having a regular practice in a rural area.

(2) For the purpose of this part a rural area is considered to be any area outside of the established or accepted boundaries of towns or communities having a population in excess of 2,500 inhabitants.

(b) *Eligibility showing.* The initial application from a physician or veterinarian shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application. The initial eligibility showing must contain as a minimum the information indicated below:

(1) A physician or veterinarian desiring to establish eligibility based on a rural area practice shall describe the radio communication facilities desired and the rural area to be served.

(c) *Class and number of stations available.* Each physician or veterinarian normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to physicians or veterinarians may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

§ 10.454 *Ambulance operators and rescue organizations*—(a) *Eligibility.* Persons or organizations operating an emergency ambulance service or rescue squad are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating an ambulance service or rescue squad shall be accompanied by a statement describing the radio communication facilities desired and indicating how they would be used to enhance the safety of human life in the service being rendered. The statements also shall indicate the number of vehicles actually engaged in the emergency operation.

(c) *Class and number of stations available.* Each ambulance operator or rescue squad normally may be authorized to operate not more than one base station and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of the number of vehicles actually engaged in the emergency operation. Mobile units of the hand carried or pack carried type may be authorized to an extent not to exceed two such units for each radio equipped ambulance or rescue squad vehicle. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to ambulance operators or rescue squads may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient ambulance or emergency rescue service.

§ 10.455 *Beach patrols*—(a) *Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a beach patrol shall be accompanied by a statement describing the radio communication facilities desired and the area served by the beach patrol. The statement shall also clearly indicate the proposed method of operation and the number and classes of stations required.

(c) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to persons or organizations operating beach patrols may be used only for the transmission of messages pertaining to the safety of life or property.

§ 10.456 *School buses*—(a) *Eligibility.* Persons or organizations operating school buses having regular routes into rural areas are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a school bus service shall be accompanied by a statement describing the radio communication facilities desired. The statement shall also indicate the school or schools being served and describe the area in which the service is operated. If the applicant is not a government sub-division the statement shall indicate the authority under which the school buses are being operated and the tenure of any contractual agreement in effect.

(c) *Class and number of stations available.* Each school bus operator normally may be authorized to operate not more than one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to school bus operators may be used only

for the transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs.

§ 10.457 *Communication standby facilities*—(a) *Eligibility.* Persons or organizations operating communication circuits are eligible for standby radio facilities in this service: *Provided,* That the applicant can qualify under either of the following conditions:

(1) The applicant is a communications common carrier.

(2) The applicant is a person or organization operating communications circuits which normally carry essential communications of such a nature that any disruption thereof will endanger life or public property.

(b) *Eligibility showing.* The initial application from an eligible in this category proposing to operate a radio standby facility for other normal communication circuits shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of operation. When appropriate, the statement shall include a description of the messages normally being carried and explain how a disruption thereof will endanger life or public property.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate an unlimited number of fixed stations as standby radio facilities. Any such fixed station may be licensed for operation either at a specified location or at any temporary location within a specified area. In the latter case the area of desired operation must be specified by the applicant.

(d) *Permissible communications.* Except for test transmission as permitted by § 10.151 (e), stations licensed for communication circuit standby facilities may be used only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would normally be carried by the regular circuits.

§ 10.458 *Establishments in isolated areas*—(a) *Eligibility.* Persons or organizations maintaining establishments in isolated areas where public communication facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible in this service.

(b) *Eligibility showing.* The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the radio communication facilities desired, the applicant's need therefor, and the proposed method of operation, including the location, class of station and name of licensee of the station with which communication is requested. The statement shall also describe the status of public communication facilities in the area of the applicant's establishment and indicate the results of any attempts the applicant may have made to obtain public communication service. In the event radio communications service is to be furnished the proposed station by another station which is not licensed to the applicant, a statement shall be submitted from the licensee of the station involved indicating that the proposed service will be rendered.

(c) *Class and number of stations available.* Persons or organizations in this category may be authorized to operate not more than one fixed station at any isolated establishment and in addition not more than one fixed station in a center of population.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed for use at establishments in isolated areas may be used only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(e) *Communication service rendered and received.* (1) The licensee of a fixed station at an establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (d) of this section.

(2) For the purpose of providing the communications link desired the licensee of a fixed station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication service under a mutual agreement from the licensee of any station in the Public Safety Radio Services or any other station which is authorized to communicate with the special emergency fixed station.

§ 10.459 *Emergency repair of public communications facilities.* (a) Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruptions of public communications facilities where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area.

(b) *Eligibility showing.* The initial application from a communications common carrier under the provisions of this section shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of use under such emergency conditions as the applicant expects to arise. The statement shall also clearly indicate the number and classes of stations required in the proposed operation.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate base, mobile and fixed stations. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations authorized under the eligibility provisions of this section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

§ 10.460 *Points of communication.* (a) Special emergency base stations are primarily authorized to intercommunicate with special emergency mobile stations. Special emergency mobile stations are primarily authorized to intercommunicate with base and other special emergency mobile stations.

(b) Special emergency base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Special emergency fixed stations are authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations. Such stations are also authorized to intercommunicate with any other station which is authorized to communicate with the special emergency fixed station.

§ 10.461 *Station limitations.* (a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

(b) Except for fixed stations operating on frequencies assigned under the provisions of limitation note 10 of § 10.462 (f), each operator of a station in the Special Emergency Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

(c) Where a radio station authorization in the Special Emergency Radio Service is held by a person or organization engaging in activities beyond the scope of those indicated in the eligibility provisions of this service the operation of such station shall be strictly confined to those activities on which the eligibility was established except for messages relating to the safety of life.

§ 10.462 *Frequencies available to the Special Emergency Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Special Emergency Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) The operation of mobile systems in the Special Emergency Radio Service will

be restricted to the use of only one frequency per system.

(d) Frequencies indicated normally for base and mobile stations in the Special Emergency Radio Service will be authorized to fixed stations also subject to the condition that harmful interference will not be caused to the mobile service.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

Frequency or band	Class of station(s)	Limitations
Kilocycles		
2726	Base and mobile	9, 11
3190	do	9
2000 to 3000	Fixed	10
Megacycles		
33.02	Base and mobile	6
33.06	do	6
33.10	do	6
37.90	do	6
37.94	do	6
37.98	do	6
47.42	do	7
47.46	do	
47.50	do	
47.54	do	
47.58	do	
47.62	do	
47.66	do	
72.02 to 74.58	Operational fixed	3
75.42 to 75.98	do	3
157.47	Base and mobile	5, 8
159.51 to 161.79	do	4
161.85	do	5, 8
161.91	do	5, 8
161.97	do	5, 8
454.05 to 455.95	do	1
952 to 960	Operational fixed	1
1850 to 1990	do	1
2110 to 2200	do	1
2450 to 2500	Base and mobile and operational fixed.	1, 2
2500 to 2700	Operational fixed	1
3500 to 3700	Base and mobile	1
6425 to 6575	do	1
6575 to 6875	Operational fixed	1
11,700 to 12,200	Base and mobile	1
12,200 to 12,700	Operational fixed	1
16,000 to 18,000	do	1
26,000 to 30,000	do	1

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis to operational fixed stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a shared basis to base and mobile stations in the Special Emergency Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station operating in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Special emergency operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Highway Maintenance Radio Service.

(7) This frequency is reserved for assignment only to National organizations established for disaster relief purposes.

(8) This frequency will not be assigned to stations in the Special Emergency Radio Service at any point within 150 miles of Chicago, Illinois.

(9) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc comes into force.

(10) Appropriate frequencies in the band 2000–3000 kilocycles which are designated in Part 8 of this chapter as available to Public Ship Stations for telephone communication with Public Coast Stations may be assigned on a secondary basis to special emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 10.458 and that the isolated area involved is an island or other location not more than 300 statute miles removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 7.302 (b) of this chapter and § 10.458 (d).

(iii) That operation of the special emergency fixed station shall at no time conflict with any provision of Part 8 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(11) This frequency is shared with the State Guard Radio Service.

[F. R. Doc. 53–1778; Filed, Feb. 24, 1953; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 928]

[Docket No. AO 227—A2]

Handling of Milk in Neosho Valley Marketing Area

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Besse, Pittsburg, Kansas, beginning at 10:00 a. m., c. s. t., March 6, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Neosho Valley marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Neosho Valley marketing area have been proposed as follows:

By the KMO Producers Association and by the Neosho Valley Cooperative Creamery Association:

1. Amend the order to provide that the price for Class II milk more accurately reflect the value of milk in excess of Class I requirements in the area.

By the Dairy Branch, Production and Marketing Administration:

2. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 523½ North Broadway, Pittsburg, Kansas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: February 19, 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53–1790; Filed, Feb. 24, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 51]

CITIZENSHIP REQUIREMENTS FOR ISSUANCE OF AIRMAN CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by March 24, 1953. Copies of such communications will be available after March 26, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Civil Air Regulations prescribe that an applicant for an airman certificate shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government. Provision is also made for the issuance to a citizen of a foreign government of a Limited Pilot Certificate appropriate to his pilot time and aeronautical experience upon a showing that he holds a currently effective certificate or license issued by his foreign government. The issuance of this certificate does not require the existence of a reciprocal agreement. Current regulations further prescribe that an airman certificate issued to other than a United States citizen shall remain in effect no longer than 12 months after the date of issuance.

As a result of the Bureau's studies of the necessity for reciprocity provisions in connection with the issuance of airman certificates, it appears desirable that aliens who have immigrated to the United States on a permanent residence visa should, as prospective citizens, be included in the classification of United States citizens for the purpose of obtaining airman certificates. In addition, with regard to those classes of airman certificates which cannot be used for remuneration or hire, namely, student, private pilot, and free balloon pilot certificates, no realistic purpose was found to exist for requiring reciprocity to be considered as an element precedent to their issuance.

The studies, however, did indicate that it is desirable that a reciprocity requirement be retained for those classes of certificates which qualify the holder to engage in commercial enterprise. However, with regard to these classes of certificates an exception to the reciprocity requirement appears desirable for those involving "ground duties" when the holder uses the certificate outside the United States and renders service thereunder which would be of benefit to the operation of United States aircraft.

In view of the foregoing it is proposed to amend the citizenship requirements of Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 as follows:

a. Student, Private Pilot, and Free Balloon Pilot (Parts 20 and 22):

Applicant may be a citizen of any country or a person without nationality.

b. Commercial Pilot, Airline Transport Pilot, Flight Radio Operator, Flight Navigator, Flight Engineer (Parts 20, 21, 22, 33, 34, 35):

Applicant shall be:

1. A citizen of the United States or an individual who has been admitted to the United States for permanent residence, or

2. A citizen of any other country whose government grants or has undertaken to grant to citizens of the United States _____ (Insert here commercial pilot, airline transport pilot, etc., as appropriate) privileges equivalent to those which such government grants to its own citizens.

c. Mechanic, Repairman, Parachute Rigger, Air-Traffic Control-Tower Operator, Aircraft Dispatcher, Ground Instructor (Parts 24, 25, 26, 27, 51):

Applicant shall be:

1. A citizen of the United States or an individual who has been admitted to the United States for permanent residence, or

2. A citizen of any other country whose government grants or has undertaken to grant to citizens of the United States _____ (Insert here mechanic, parachute rigger, etc., as appropriate) privileges equivalent to those which such government grants to its own citizens, or

3. A citizen of any country or a person without nationality who:

(a) Is in the employ of a United States air carrier; or

(b) Is in the employ of a holder of an air agency certificate issued pursuant to the Civil Air Regulations; or

(c) Does not meet the requirements of (a) or (b) but will, in the opinion of the Administrator, perform duties under his certificate which will benefit the operation of United States aircraft.

Provided, That the holder of a certificate issued under the provisions of this paragraph (3) shall not exercise within the United States the privileges conferred by the certificate.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: February 18, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53-1785; Filed, Feb. 24, 1953; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 11]

[Docket No. 9703]

SPECIAL INDUSTRIAL RADIO SERVICE

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of revision of Subpart K of Part 11, rules governing the Special Industrial Radio Service.

1. The Commission has had under consideration a notice of proposed rule making in the above entitled matter and comments filed relative thereto. It is apparent from these comments and the experience gained in the administration of the Special Industrial Service since these rules were originally proposed that the public interest would best be served by the withdrawal of the original proposal and the substitution of a new one. Accordingly, the outstanding notice of proposed rule making is hereby withdrawn and the rules set forth below are substituted in lieu thereof.

2. The Commission has been confronted with a difficult situation in the interpretation of present § 11.501 (a) (1) with respect to what is "a remote or sparsely settled region." A more realistic approach would appear to be the establishment of a definite criterion which may be used as a yardstick in determining a particular applicant's eligibility. The Commission believes the term Standard Metropolitan Area as recently promulgated by the Bureau of Census may be used as such a criterion.

It will be noted that these areas are defined not as to a particular city alone, but in terms of one or more contiguous counties surrounding the city, thereby giving a much truer picture of the area involved. This would eliminate much of the uncertainty contained in the present rule. The new rule, § 11.502 (a) (1), has been built around this standard.

3. It will be noted that the phrase "activities of a service or distribution nature" which are excluded in the present § 11.501 (a) has been changed in § 11.502 (a) to read "activities of a maintenance, repair, sales or distribution nature." This change is designed to remove some of the ambiguity connected with the term "service" under which there was some doubt concerning the eligibility of persons who performed work of a productive nature for others under contract. We have in mind the harrower, harvester, cropduster, oil well acidizer and the like who while not engaged in producing for himself performs an integral step in the production of the final product. We intend that these persons be considered as meeting the basic eligibility requirements contained in § 11.502 (a).

4. Attention is also directed to the fact that the current revision is designed to meet the problem of mobile service communications only. No policy concerning eligibility for fixed point-to-point systems in the Special Industrial Radio Service has as yet been promulgated. Accordingly, for the present,

except for fixed station auxiliaries to be used as part of a mobile service system, all requests for point-to-point facilities will be handled on a case by case basis.

5. There is pending before the Commission, a petition filed December 30, 1952, by the National Ready Mixed Concrete Association and the National Sand and Gravel Association for the Allocation of Industrial Radio Facilities to be used by contractors and subcontractors. This petition raises, among other things, certain allocation questions which may not be disposed of at this time. Its disposition, therefore, will be the subject of another proceeding. This is the reason why the present § 11.501 (a) (2) is being carried over into the new rules without change. For the time being, those contractors seeking radio authorizations will have to qualify under current regulations.

6. At the time the rules are finalized, it is proposed to adopt the following policy with respect to existing licensees in the Special Industrial Radio Service:

a. Each licensee of a station operating under the provisions of § 11.501 (a) (1) and (2), any part of whose operations take place within a Standard Metropolitan Area who desires to have his license renewed or modified shall submit with his application for renewal or modification details sufficiently complete to determine the applicant's eligibility under the new rules. In the event any such person can not qualify under the new standards for a Special Industrial Service authorization, he will be given an amortization period of 3 years from date of expiration of his current license, during which time he may continue to operate under the same terms and conditions as are contained in his current instrument of authorization.

7. The proposed rules are issued under the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file on or before March 16, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 11, 1953.

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Proposed amendments to Subpart K of Part 11, rules governing Special Industrial Radio Services:

1. Renumber present §§ 11.502, 11.503, and 11.504 to be new §§ 11.504, 11.505, and 11.506, respectively.

2. Delete present § 11.501 and substitute new §§ 11.501, 11.502, and 11.503 in lieu thereof, as follows:

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radio communication systems which can contribute materially to the safety and efficiency of the operations involved. The number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radio communication, particularly in or near large population centers. Accordingly, strict eligibility limitations have been placed on industrial radio usage in such areas. Furthermore, those persons who do qualify for their own radio systems in such areas are cautioned that a substantial amount of interference can be expected.

(b) While certain frequencies are listed as available for assignment for fixed operations in this service, this should not be construed to mean that any policy concerning their use has, as yet, been formulated. The extent to which point-to-point systems will be authorized must await further development of the microwave program. Except, therefore, for fixed station auxiliaries to be used as part of a mobile service system, requests for point-to-point facilities will be considered on a case by case basis.

§ 11.502 *Eligibility for mobile service facilities.* (a) A person is eligible to hold an authorization to operate a radio station in the Special Industrial Radio Service when such person is engaged in an industrial activity the primary function of which is devoted to agriculture, construction, fabrication, manufacturing, production, or similar processes, as distinguished from activities of a maintenance, repair, sales or distribution nature, and, in addition, meets one or more of the following requirements:

(1) At least seventy-five percent of the average daily hours of operation of the vehicles in connection with which radio is to be used takes place in areas not forming part of any Standard Metropolitan Area, as that term is defined in 1950 Census of Population, Advance Reports, Series PC–9, No. 6, released by the Bureau of the Census, U. S. Department of Commerce, November 24, 1952; or

(2) The industrial operation is a construction project of a public character; or

(3) The use of radio is required within the yard area of a single plant for mobile service communications and the use of the Low Power Industrial Service does not meet the operational requirements of the industry otherwise found eligible under this subparagraph. (Mobile units may be operated outside of the physical limits of the "yard area" for the purpose of maintaining plant security when authorized by the Commission in writing or by notation on the instrument of station authorization upon a showing that such operation is necessary in the interest of the national defense.)

(b) A subsidiary corporation organized for the sole purpose of furnishing a non-profit communication service to its parent corporation and/or its subsidiaries may be considered eligible for this service if the parent corporation and/or its subsidiaries meet the requirements of paragraph (a) of this section.

(c) Each application for authority to operate in the Special Industrial Radio Service shall be accompanied by a statement in detail sufficient to indicate clearly the applicant's eligibility under paragraph (a) of this section.

§ 11.503 *Mobile service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54, authorization to operate a Base station in this Service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc: *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located Base stations operated by the same licensee.

(b) A Mobile station not associated with one or more Base stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70 or 152.87 Mc only.

[F. R. Doc. 53–1769; Filed, Feb. 24, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA; SEWARD TOWNSITE

NOTICE OF SALE

Notice is hereby given that there will be offered at public sale to the highest bidder at 2:00 p. m. on Wednesday, March 18, 1953, in the Council Chambers of the City Hall, Seward, Alaska, the tract listed below. This tract will not be sold for less than the appraised price, also shown below. No bid exceeding that amount will be accepted unless made in multiples of five dollars. Bids may be offered by all who may care to do so, and when there will be no further offers, the tract will be declared sold to the last and highest bidder. The successful bidder is required to make full payment at the time of sale.

The officer conducting the sale is authorized to reject any and all bids, to

suspend, adjourn or postpone the sale of the tract, and to reappraise the tract at the time of the sale or after the sale has been adjourned or closed. If the tract remains unsold it may, at the discretion of the Superintendent of Sales, be sold at private entry for the appraised price. Patent for this tract when issued will contain a reservation of fissionable materials. All persons are warned against violation of the provisions of 18 U. S. C. 1860, prohibiting unlawful combination or intimidation of bidders.

Following is the tract being offered for sale and the minimum acceptable bid for this tract:

Tract "C" of U. S. Survey No. 242: $300.00.

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

[F. R. Doc. 53-1758; Filed, Feb. 24, 1953; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 28]

NASH KELVINATOR

APPROVAL OF ADDITIONS ATTACHED TO LETTER TO DEALERS, DATED FEBRUARY 9, 1953

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain supplements to Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R of Nash Kelvinator for approval for Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R.

The Director of Price Stabilization has determined from the data submitted by Nash Kelvinator approval of Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R that the approval of these supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

1. On and after the effective date of this order, the application for approval for Supplemental Time Allowances USZ 53-2P USD 53-2P and EN-24 Cylinder Head—L Head—R & R dated February 9, 1953, as covered in the Nash Kelvinator application is authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS February 17, 1953, by Special Order No. 28 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective February 17, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 16, 1953.

[F. R. Doc. 53-1689; Filed, Feb. 17, 1953; 11:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043 and June 2, 1952; 17 F. R. 3818).

American Modes, Inc., White Hall, Ill., effective 2-12-53 to 8-11-53; 30 learners for expansion purposes (cotton and rayon dresses).

American Modes, Inc., Roodhouse, Ill., effective 2-12-53 to 8-11-53; 30 learners for expansion purposes (cotton and rayon dresses).

B & F Manufacturing Co., Mocksville, N. C., effective 2-16-53 to 2-15-54; five learners (sport shirts).

Bali Brassiere Manufacturing Co., Bedford Street, Geistown, Pa., effective 2-16-53 to 8-15-53; 40 learners for expansion purposes (brassieres).

Biltmore Manufacturing Co., Inc., Glendale Avenue, Biltmore, N. C., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (children's and women's sportswear).

Blue Ridge Manufacturers, Inc., Laurel, Del., effective 2-13-53 to 2-12-54; 10 percent of the productive factory forces or 10 learners, whichever is greater (blue denim cotton kiddies' dungarees).

Brooks Uniform Co., Clarksville, Tex., effective 2-16-53 to 8-15-53; 15 learners for expansion purposes (women's cotton uniforms).

Burch Manufacturing Co., 7931 Seventh Avenue South, Birmingham, Ala., effective 2-16-53 to 8-15-53; 15 learners for expansion purposes (sport shirts, uniform shirts, formal shirts, etc.).

Fashion Frocks, Inc., of Tennessee, Greenville, Tenn., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (street dresses).

Frackville Manufacturing Co., Schaefferstown, Pa., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (pajamas, night shirts, operating gowns, jean drawers).

Grafton Manufacturing Co., 912-914 West Main Street, Grafton, W. Va., effective 2-9-53 to 2-8-54; 10 percent of the productive factory force (sport shirts).

Grafton Manufacturing Co., 912-914 West Main Street, Grafton, W. Va., effective 2-9-53 to 8-8-53; 45 learners for expansion purposes (sport shirts).

Hartwell Garment Co., Hartwell, Ga., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (cotton work pants and shirts).

Honea Path Shirt Co., Honea Path, S. C., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (men's sport shirts and pajamas).

Hyde Park Foundations, 1234 Bryn Mawr Street, Scranton, Pa., effective 2-15-53 to 2-14-54; 10 learners (brassieres and girdles).

Keystone Coat & Apron Manufacturing Corp., 315-23 North Twelfth Street, Philadelphia 7, Pa., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force (washable service apparel).

David Lee Sportswear, Inc., Wayne Street and Clay Avenue, West Hazleton, Pa., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (ladies' dresses).

The H. D. Lee Co., Inc., 615 North Good Street, Dallas, Tex., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (men's and boys' play and work clothes).

Madison Dress Co., Wyoming and Green Streets, Hazleton, Pa., effective 2-13-53 to 2-12-54; 10 learners (women's dresses).

Mode O'Day Corp., Fremont, Nebr., effective 2-16-53 to 8-15-53; 20 learners for expansion purposes (cotton and rayon wash dresses).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (cotton and rayon wash dresses).

Mount Vernon Garment Co., Sixteenth and Herbert Streets, Mount Vernon, Ill., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (house dresses and moderately priced dresses).

Oberman Manufacturing Co., Morrilton, Ark., effective 2-11-53 to 2-10-54; 10 percent of the productive factory force (men's and boys' single pants).

Pan-Miami Clothing, Inc., 1636 Northwest Seventh Avenue, Miami, Fla., effective 2-16-53 to 2-15-54; five learners (men's trousers).

Patterson Manufacturing Co., Checotah, Okla., effective 2-16-53 to 8-15-53; 50 learners for expansion purposes (men's and boys' overalls).

Publix Shirt Corp., Mechanicsburg, Pa., effective 2-12-53 to 2-11-54; 10 percent of the productive factory force (sport shirts).

Rensello Co., Inc., Delaware Avenue and Lewis Street, Minersville, Schuylkill County, Pa., effective 2-16-53 to 2-15-54; 10 percent of the productive factory force (men's cotton and rayon pajamas).

Roanoke Manufacturing Co., West Point Street, Roanoke, Ala., effective 2-16-53 to 8-15-53; 25 learners for expansion purposes (sport shirts).

Rob Roy Co., Inc., Ridgely, Md., effective 2-13-53 to 2-12-54; 10 percent of the productive factory force or 10 learners, whichever is greater (boys' shirts).

Rosette Manufacturing Co., 625 LaSalle Street, Berwick, Pa., effective 2-16-53 to 2-15-54; five learners. This certificate does not authorize the employment of learners at

subminimum wage rates in the manufacture of women's and children's skirts (ladies' sportswear).

Roydon Wear, Inc., McRae, Ga., effective 2–12–53 to 8–11–53; 20 learners for expansion purposes (children's clothing).

The Seaford Garment Co., Phillips Street, Seaford, Del., effective 2–13–53 to 2–12–54; 10 percent of the productive factory force (men's and boys' sport shirts).

Snelbaker Manufacturing Co., 17–19 East Simpson Street, Mechanicsburg, Pa., effective 2–11–53 to 2–10–54; 10 percent of the productive factory force or 10 learners, whichever is greater (work shirts and work pants).

Southeastern Shirt Corp., 1110 Indiana Avenue, LaFollette, Tenn., effective 2–13–53 to 2–12–54; 10 percent of the productive factory force (dress and sport shirts).

Tidewater Garment Co., Inc., 2309 Washington Avenue, Newport News, Va., effective 2–11–53 to 8–10–53; 40 learners for expansion purposes (cotton dresses and cotton and rayon gowns).

Wilmer Fashion, Lehighton, Pa., effective 2–20–53 to 2–19–54; 10 percent of the productive factory force (dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Ashburn Hosiery Mills, South Street, Mount Airy, N. C., effective 2–22–53 to 2–21–54; five learners.

Charles H. Bacon Co., Lenoir City, Tenn., effective 2–13–53 to 2–12–54; 5 percent of the productive factory force.

Charles H. Bacon Co., Loudon, Tenn., effective 2–13–53 to 2–12–54; 5 percent of the productive factory force.

J. A. Cline and Son, Inc., Hildebran, N. C., effective 2–28–53 to 2–27–54; 5 percent of the productive factory force.

Glen Raven Knitting Mills, Inc., Altamahaw, N. C., effective 2–13–53 to 2–12–54; 5 percent of the productive factory force.

Newland Knitting Mills, Newland, N. C., effective 2–10–53 to 2–9–54; three learners.

Orange Knitting Mills, Inc., Orange, Va., effective 2–13–53 to 2–12–54; five learners.

Skyland Hosiery Mills, Inc., P. O. Box 6188, Asheville, N. C., effective 2–17–53 to 10–16–53; 14 learners for expansion purposes.

Skyland Textile Co., West Jefferson, N. C., effective 3–1–53 to 10–31–53; 50 learners for expansion purposes.

Triangle Hosiery Co., High Point, N. C., effective 2–16–53 to 2–15–54; 5 percent of the productive factory force.

Veitel Hosiery Co., 26 West Main Street, LeRoy, N. Y., effective 2–17–53 to 2–16–54; three learners.

Walnut Hosiery Mills, Inc., Fifth and Walnut Streets, Shamokin, Pa., effective 2–18–53 to 2–17–54; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Cass County Telephone Co., Pleasant Hill, Mo., effective 3–2–53 to 3–1–54.

Mount Pulaski Telephone & Electric Co., Mount Pulaski, Ill., effective 2–13–53 to 2–12–54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Dixie Belle Textiles, Inc., Gibsonville, N. C., effective 2–13–53 to 2–12–54; five learners (knitted underwear).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C., effective 2–20–53 to 8–19–53; 10 learners for expansion purposes (cotton knitted underwear and outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Bear Brand Hosiery Co., Fayetteville, Ark., effective 2–12–53 to 10–12–53; 15 high school students only for part-time employment; looping only; 960 hours; 63 cents per hour for the first 480 hours and not less than 68 cents per hour for the remaining 480 hours (looping seamless hosiery).

Bear Brand Hosiery Co., Siloam Springs, Ark., effective 2–12–53 to 10–12–53; 20 high school students only for part-time employment; looping only; 960 hours; 63 cents per hour for the first 480 hours and not less than 68 cents per hour for the remaining 480 hours (looping seamless hosiery).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Corporation De Caleado, Caribe, Manati, P. R., effective 2–5–53 to 8–4–53; 120 learners; 240 hours at 30 cents per hour, 240 hours at 32½ cents per hour (shoes).

Fonda Gauge (Puerto Rico) Inc., Ponce, P. R., effective 2–11–53 to 6–7–53; 33 learners; grinding, beveling and sanding, heat treating, rough lapping, finish lapping, etching, inspecting; each 320 hours at 35 cents per hour, 320 hours at 40 cents per hour, 320 hours at 45 cents per hour (steel and carbide gauge blocks) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of February 1953.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 53–1735; Filed, Feb. 20, 1953; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10286, 10287, 10288]

ENTERPRISE CO. ET AL

ORDER ENLARGING ISSUES

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT–743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT–762; KTRM, Inc., Beaumont, Texas, Docket No. 10288, File No. BPCT–971; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration a petition to enlarge the issues in the above-entitled proceeding filed by the Chief of the Broadcast Bureau on November 12, 1952; and

It appearing, that the Chief of the Broadcast Bureau alleges that the tower proposed in the above-entitled application of KTRM, Inc., would be located in the vicinity of the directional array of standard broadcast Station KTRM, Beaumont, Texas; that the proximity of the proposed television tower might impair the ability of the standard broadcast station to operate in accordance with the terms of its license; that the impairment (a) may result in changes in the radiation characteristics of the AM antenna system to the extent that interference to other stations is caused, or in a manner that will adversely affect AM service in the Beaumont area, or (b) may have an effect on the potential assignment of foreign stations authorized under existing and proposed international agreements; that inadequate consideration is given to this problem in the application of KTRM, Inc.; and that in view of the aforesaid, the Commission should enlarge the issues in the above-entitled proceeding so as to require a determination as to whether the construction of the tower proposed by KTRM, Inc., will adversely affect the operations of Station KTRM; and

It further appearing, that the Commission has consistently granted similar petitions by the Chief of the Broadcast Bureau;

It is ordered, That the above-described petition of the Chief of the Broadcast Bureau is granted; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended, so that Issue No. 5 is renumbered as Issue No. 6, and a new Issue No. 5 is added as follows:

5. To determine whether the erection of the television antenna proposed in the application of KTRM, Inc. will adversely affect the ability of standard broadcast Station KTRM to operate in accordance with the terms of its license and the construction permit pursuant to which its license was issued, particularly with respect to the operation of its radiating system, and whether corrective measures for such effect are possible and feasible.

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1771; Filed, Feb. 24, 1953; 8:50 a. m.]

[Docket No. 8380]

OZARKS BROADCASTING CO. (KWTO)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR FURTHER HEARING ON STATED ISSUES

In re application of Ozarks Broadcasting Company (KWTO), Springfield, Mis-

souri, Docket No. 8380, File No. BP–5259, BMP–5650, for construction permit; Ozarks Broadcasting Company (KWTO), Springfield, Missouri, File No. BMP–5930, for modification of construction permit.

1. The above-entitled application for construction permit (BP–5259) was granted by the Commission in a decision released December 21, 1950, authorizing Ozarks Broadcasting Company (KWTO), to increase its nighttime power to 5 kw on 560 kc. This decision was the subject of an appeal by Beaumont Broadcasting Corporation, licensee of Station KFDM, Beaumont, Texas. During the pendency of the appeal the construction permit issued to KWTO was modified by the grant of application BMP–5650 on October 4, 1951, the effect of which was to reduce the interference caused Station KFDM. The Court of Appeals for the District of Columbia Circuit reversed the decision granting the application of Ozarks and remanded the matter to this Commission for further proceedings in accordance with its opinion. Beaumont Broadcasting Corporation v. Federal Communications Commission, 7 Pike & Fischer R. R. 2149.[1]

2. The Court of Appeals held that the Commission had committed error in two respects in arriving at the decision to grant Ozarks' application. At the hearing Ozarks' engineering expert had been permitted to testify that he was unable to design a practicable directional array which would afford protection to all stations operating on 560 kc. The Court decided that under the facts of this case the Commission had improperly excluded cross examination by Beaumont and the other intervenors of this witness, and their proffer of evidence of alternative antenna arrays. The second error found by the Court of Appeals was that no findings were made in the Commission's decision concerning whether there is an actual disparity between the amount of interference found by the Commission in the present proceedings, and the amount which the Commission, in 1947, found would be suffered by Beaumont when it authorized Beaumont to increase its nighttime power subject to any interference which might result from a subsequent grant of Ozarks' application which was then pending.

3. On January 6, 1953, Ozarks filed with the Commission a Petition to Issue an Amended Decision Consistent With the Court of Appeals Decision. Ozarks, addressing itself to each of the errors found by the Court, asserts that an amended decision consistent with the Court's mandate may be issued without holding a further hearing in this matter. With respect to consideration by the Commission of alternative antenna proposals, Ozarks contends that the Commission has before it a sufficient record from which to spell out the fact that the Beaumont alternative proposal was "not proper." In this connection Ozarks argues that the issues of the proceeding did not contemplate consideration of alternative antenna proposals; that Beaumont should have moved to enlarge the issues if it desired to introduce such evidence, and cannot now complain of its failure in this regard; and that the Beaumont proposal was not proper because it deprived the other parties to the hearing of proper and timely notice. With respect to the second finding of error, Ozarks asserts that the record already compiled in this proceeding contains sufficient evidence so that the Commission may properly find that the interference resulting to Station KFDM from the operation of Station KWTO as the result of the grant made in this proceeding occurs in that area which is reached by the KFDM signal only so long as Station KWTO is not operating with a nighttime power of 5 kw. It is further asserted by Ozarks that the Commission decided at the time of the conditional grant to Beaumont that the public interest required that this "expanded area" be lost by Beaumont in order that Ozarks render expanded service.

4. On January 12, 1953, Beaumont filed with the Commission a Motion to Dismiss Ozarks' petition which is in effect, and will be considered, as an opposition thereto. In this motion Beaumont relies upon a quotation from the Court's opinion in which the error of the Commission in refusing to allow cross examination or the introduction of evidence by Beaumont on the subject of possible directional antenna arrays which might protect all licensees on 560 kc was discussed. Beaumont asserts in this motion that it had filed with the Commission on November 12, 1952,[2] a suggested antenna design for Ozarks' operation, and contends that the Court's opinion requires that a hearing be held on "alternative directive antennas."

5. Insofar as Ozarks' petition requests that this proceeding be terminated by the issuance of an amended decision without further hearing, it must be denied. The opinion of the Court of Appeals in Beaumont Broadcasting Corporation v. Federal Communications Commission cited above, quite clearly holds that in the circumstances of this particular case legal error was committed by refusing to allow cross examination and the introduction of evidence by the parties to the hearing upon the subject of the possibility of designing and utilizing a directional antenna other than that proposed by Ozarks, which would protect all other licensees on 560 kc. This error cannot be rectified as the Court's mandate requires without reopening the record for the reception of such evidence. Accordingly, this matter must be designated for further hearing upon this question.

6. It is unnecessary to decide the correctness of Ozarks' assertion that further hearing is not required in order to determine the precise extent of the interference which would be caused Beaumont under Ozarks' proposal. It is true that Ozarks' proposal had not changed between the time of the conditional grant to Beaumont and the time that the hearing was held in this matter and that the record contains sufficient information on which to base a finding that there is no disparity in the amount of such interference predicted and the amount shown at the hearing. It is to be noted that in its motion to dismiss the Ozarks' petition, Beaumont did not refer to that portion of the opinion of the Court of Appeals in which this question was discussed. However, the subject of the further hearing in this case will be Ozarks' original application (BP–5259) as amended (BMP–5650) subsequent to the hearing which was held. Accordingly, the effects of the changes in Ozarks' proposal must be considered at such further hearing. Any showing upon the question of disparity between the interference accepted by Beaumont and that it would receive under Ozarks' present proposal may be made under the issue designated by the Commission in this connection.

7. The opinion of the Court of Appeals recognized that advance submission of the technical data involved in the proposal of an alternative directional antenna would promote efficiency and expedition of the administrative hearing. Any party to this proceeding who wishes to submit a proposal for an alternative directional antenna for consideration in the further hearing will be required to file such proposal within 30 days of the release date of this order. The proposal must be set forth in full detail, supported by the affidavit of a radio engineer, and include a specific showing of the respect in which the alternative proposal constitutes a more efficient use of the radio spectrum than that proposed in the application. The burden of proceeding with the introduction of evidence and the burden of proof that the alternative proposal constitutes a more efficient use of the radio spectrum than the facilities applied for shall be on the party making the alternative proposal.

8. In view of the fact that Ozarks' construction permit (BP 5259) as modified (BMP–5650) must be vacated in order for the Commission to comply with the mandate of the Court of Appeals, Ozarks' application for extension of time within which to complete construction (BMP–5930) must be dismissed as moot.

9. For the foregoing reasons, *It is ordered,* That the Petition to Issue an Amended Decision Consistent With the Court of Appeals Decision, filed by Ozarks Broadcasting Company on January 6, 1953, is, with the exceptions heretofore stated, denied; and

It is further ordered, That the construction permit issued to Ozarks Broadcasting Company, dated December 20, 1950, and the modification of said construction permit to provide a change in the directional antenna system specified therein, dated October 4, 1951, are vacated; the application (BMP 5930) of Ozarks Broadcasting Company for modification of construction permit to extend the completion date is dimissed as moot; and the above-entitled application for construction permit (BP–5259) as amended by BMP–5650 is designated for further hearing to be held at Washington, D. C., before Examiner J. D. Bond

[1] A petition for amendment of the Court's opinion filed by the Commission, and a petition for rehearing filed by Ozarks were denied by the Court. Its mandate was received by the Commission on October 21, 1952.

[2] A copy of a letter of transmittal to Ozarks and of the alternative proposal was sent to the Commission on November 21, 1952, but has not been filed in this proceeding.

upon a date to be hereafter determined upon the following issues:

1. To determine what changes, if any, are required in the findings herein as a result of the amendment of the Ozarks' application BP–5259 by BMP–5650.

2. To determine whether a grant of the subject application, as amended, would be in the public interest in the light of any alternative proposals submitted by parties to this proceeding under which Ozarks could render substantially the same service proposed by Ozarks, but eliminate or reduce the objectionable interference to other stations.

3. To determine, on the basis of the above issues and the record heretofore had in these proceedings, whether a grant of application BP–5259 as amended by BMP–5650 is in the public interest.

It is further ordered, That Johnson-Kennedy Radio Corporation licensee of Station WIND, Chicago, Illinois, Beaumont Broadcasting Corporation, licensee of Station KFDM, Beaumont, Texas, and KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado, be, and they are hereby, made parties to this further proceeding; and

It is further ordered, That any party to this proceeding may, if it so desires, submit for consideration in connection with issue number 2, above, an alternative antenna proposal to that set forth in the subject application, but said alternative proposal will only receive consideration if filed with the Commission and served upon each of the parties within thirty days of the date of release of this order, and if said proposal is submitted in full detail, supported by the affidavit of a radio engineer, and includes a specific showing of the respect in which the alternative proposal constitutes a more efficient use of the radio spectrum than that proposed in the subject application as amended; and

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof that an alternative proposal constitutes a more efficient use of the radio spectrum than the facilities applied for shall be on the party introducing the alternative proposal.

Adopted: February 11, 1953.

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1770; Filed, Feb. 24, 1953; 8:49 a. m.]

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO. INC. (WHDH) ET AL.

ORDER POSTPONING ORAL ARGUMENT

In re petitions of Matheson Radio Company, Inc., (WHDH), Boston, Massachusetts, Docket No. 9227; and Metropolitan Television Company, (KOA), Denver, Colorado, Docket No. 9228; and Champlain Valley Broadcasting Corporation (WXKW), Albany, New York, Docket No. 9515 File No. BMP–4580; for modification of CP.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration a petition filed February 5, 1953, by Mr. Robert W. Oliver, Counsel for Metropolitan Television Company, licensee of Station KOA in Denver, Colorado, requesting that the oral argument herein now scheduled for February 16, 1953, be postponed for a period of approximately three weeks due to his illness; and

It appearing, that the other participants in the proceeding have informally indicated that they do not oppose the requested postponement; and

It further appearing, that this proceeding has on two previous occasions been scheduled for oral argument to be held on June 23, 1952, and December 22, 1952, and that on each occasion counsel for Champlain Valley Broadcasting Corporation (WXKW) or counsel for Metropolitan Television Company have requested postponements, with the consent of the other parties; that the grant of the instant request will constitute the third postponement of oral argument in this proceeding; that under these circumstances the Commission would not ordinarily postpone the now scheduled argument on February 16, 1953, but, in view of Mr. Oliver's illness and the consent of the other parties to a continuance, the Commission will grant the subject petition insofar as a postponement is requested; and

It further appearing, that the Commission is unable at this time in view of the schedule of other work to set a specific date for the oral argument herein;

It is ordered, That the above described petition is granted to the extent that a postponement is requested with the consent of the other parties; and that the oral argument herein now scheduled for February 16, 1953, is postponed until such time as the Commission issues a new calendar for oral arguments on adjudicatory hearing proceedings.

Released: February 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1772; Filed, Feb. 24, 1953; 8:50 a. m.]

[Docket Nos. 10122, 10123]

JOHN BLAKE ET AL.

ORDER CONTINUING HEARING

In re applications of John Blake and Charles R. Wolfe, Killeen, Texas, Docket No. 10122, File No. BP–8173; W. A. Lee, A. W. Stewart and Franklin T. Wilson, d/b as the Highlite Broadcasting Company, Killeen, Texas, Docket No. 10123, File No. BP–8288; for construction permits.

A petition having been filed by John Blake and Charles R. Wolfe, through their attorneys, on February 12, 1953, requesting a continuance of the hearing in the above-captioned proceeding from February 18, 1953, to March 2, 1953, or later;

It appearing that counsel for the other party and the Commission's Broadcast Bureau have expressed consent to such continuance and that good cause has been shown for granting the request;

It is ordered, This 13th day of February 1953, that said petition is granted and the hearing is continued to March 2, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1782; Filed, Feb. 24, 1953; 8:52 a. m.]

[Docket Nos. 10126, 10127]

MID-STATE BROADCASTING CO. AND LEROY E. PARSONS

ORDER SCHEDULING HEARING

In re applications of Mid-State Broadcasting Co., Chehalis, Washington, Docket No. 10126, File No. BP–8187; Leroy E. Parsons, Chehalis, Washington, Docket No. 10127, File No. BP–8354; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of February 1953;

The Commission having under consideration the above-entitled applications which were designated for hearing on February 13, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., March 5, 1953, in Washington, D. C.

Released: February 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–1781; Filed, Feb. 24, 1953; 8:52 a. m.]

[Docket No. 10406]

MERCHANTS AND FARMERS STATION

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Merchants & Farmers Station, Raleigh, North Carolina, Docket No. 10406, File No. BP–8379; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of February 1953;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1440 kc, 500 watts, day; at Raleigh, North Carolina;

It appearing, that the applicant is legally, technically, financially and

otherwise qualified to operate the proposed station; but that the proposed operation may involve interference with Radio Station WFVG, Fuquay Springs, North Carolina; and

It further appearing, that by letter dated October 23, 1952, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised of the foregoing deficiency and that the Commission was unable to conclude that a grant was in the public interest; and

It further appearing, that the applicant has filed no reply to the above-mentioned letter; that the Commission is of the opinion that under section 316 of the Communications Act of 1934, as amended, a hearing is mandatory;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Radio Station WFVG, Fuquay Springs, North Carolina, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

It is further ordered, That Radio Station WFVG, Fuquay Springs, North Carolina, is made a party to this proceeding.

Released: February 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-1780; Filed, Feb. 24, 1953; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1484—7-1489]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 18, 1953.

In the matter of applications by the San Francisco Stock Exchange for unlisted trading privileges in the Atlantic Refining Company, Common Stock, $10 Par Value, 7-1484; Homestake Mining Company, Capital Stock, $12.50 Par Value, 7-1485; Jones & Laughlin Steel Corporation, Common Stock, $10 Par Value, 7-1486; National Gypsum Company, Common Stock, $1 Par Value, 7-1487; Raytheon Manufacturing Company, Common Stock, $5 Par Value, 7-1488; Union Electric Company of Missouri, Common Stock, $10 Par Value, 7-1489.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 11, 1953, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1766; Filed, Feb. 24, 1953; 8:47 a. m.]

[File No. 7-1490]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of February A. D. 1953.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of Union Electric Company of Missouri, a security registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 16, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1765; Filed, Feb. 24, 1953; 8:47 a. m.]

[File Nos. 54-142, 59-84]

AMERICAN WATER WORKS AND ELECTRIC CO., INC., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATION FOR ALLOWANCE OF FEES AND EXPENSES

FEBRUARY 18, 1953.

In the matter of American Water Works and Electric Company, Incorporated, and subsidiary companies, etc., File No. 59-84; the West Penn Electric Company, et al., File No. 54-142.

During February of 1946 American Water Works and Electric Company, Incorporated ("American"), a registered holding company, filed with the Securities and Exchange Commission ("Commission") under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") Plans I and II providing for a comprehensive reorganization of its holding company system. Such Plans provided, among other things, for (a) the reorganization of American's water company system, the transfer of control thereof to a subsidiary, American Water Works Company, Inc., and the disposition of such water companies through the sale of the securities of such subsidiary to the common stockholders of American and the public, and (b) the elimination of one tier of holding companies in the system through the dissolution of American, the payment in cash of its outstanding senior securities, the transfer to its subsidiary, the West Penn Electric Company ("West Penn Electric") of its remaining assets and the distribution of all of the common stock of West Penn Electric to the common stockholders of American.

The Plans were approved by order of the Commission dated February 17, 1947, were ordered enforced by the United States District Court for the District of Delaware by order entered on March 19, 1947, and were substantially carried out in October of 1947, the final liquidation of American being effected in January of 1948.

At the time such Plans were filed American had outstanding 199,868 shares of $6 Series, First Preferred Stock (the "Preferred Stock"), all of which were held by the public. The terms and provisions of such stock, as set forth in American's charter, provided for payment to it upon "any liquidation, dissolution, or winding up of the affairs of the corporation whether voluntary or involuntary" of the sum of $100 per share plus accrued and unpaid dividends. By the terms of the charter, all other assets of American remaining after such speci-

fied payment were to be distributed to the common stock.

In accordance with the charter provision, the Plans as filed provided for payment to the Preferred Stock upon the dissolution of American pursuant to the Plans of the specified preferential amount. However, prior to final approval of the Plans by the Commission, and in accordance with its findings and opinion, dated December 23, 1947, this provision was modified so as to provide for payment in cash of such specified amount at the time of the liquidation of American under the Plans, together with the issue to the holders of the Preferred Stock of Certificates ("Escrow Certificates") entitling them to receive such additional amount, if any, as might finally be determined to be due them on such dissolution by the Commission or by a Court of competent jurisdiction. The Plans also provided for an escrow fund in the amount of $2,200,000 to secure such payment and the payment of expenses incurred in connection therewith, such fund to be represented by promissory notes of West Penn Electric. Accordingly, when the Plans were consummated as of October 15, 1947, the American Preferred stockholders received $100.25 in cash (constituting the charter liquidation price of $100 and accrued and unpaid dividends to the date of payment) together with appropriate Escrow Certificates, and such escrow fund was established with City Bank Farmers Trust Company, as Distribution Agent. Upon the dissolution of American, its liabilities (including those under the Escrow Certificates) were assumed by West Penn Electric up to the amount of the capital contribution received by it from American under the Plans.

American had committed itself to pay all fees and expenses to whomsoever incurred in connection with the Plans or the proceedings in respect thereto, to the extent approved by the Commission, but had reserved the right to contend before the Commission or any appropriate Court that any particular fees or expenses claimed or allowed are unreasonable in amount or are of a character not properly payable.

On October 12, 1949 the Commission issued its memorandum opinion and order (Holding Company Act Release No. 9410) allowing fees and expenses relating to the transactions approved in the Commission's order dated February 17, 1947.

On March 17, 1952 the Commission issued its supplemental findings and opinion (Holding Company Act Release No. 11095) determining that the Escrow Certificate Holders were entitled to receive an additional amount of $10 per share plus compensation for delay computed at 5.45 percent per annum from October 15, 1947. This determination was upheld by the United States District Court for the District of Delaware on September 17, 1952. Subsequent to November 12, 1952 payments pursuant to such determination have been and are being made to the holders of the Escrow Certificates.

Notice is hereby given that applications for the payment of fees and reimbursement for expenses for services and expenditures in connection with the determination of the amounts payable in respect of the Escrow Certificates have been filed by the following persons and in the indicated amounts:

	Fees	Expenses	Total
The West Penn Electric Co. (successor to American):			
Printing	--------	$8,920.57	$8,920.57
City Bank Farmers Trust Co. for escrow services	--------	4,259.22	4,259.22
Advertising	--------	248.44	248.44
Joel Dean for statistical service	--------	600.06	600.06
W. C. Gilman & Co. for statistical research	--------	2,038.36	2,038.36
Sullivan & Cromwell	$55,000	566.16	55,566.16
The First Boston Corp.—Fee requested for services of George L. Perin	10,000	456.17	10,456.17
Protective committee of the escrow certificate holders of American Water Works & Electric Co., Inc. (Hiatt committee):			
Nemser & Nemser, attorneys	75,000	3,610.28	78,610.28
Theodore R. Mackoul, financial expert	35,000	(1)	35,000.00
Committee members:			
M. Tyndall Hiatt	1,000	----------	1,000.00
William S. Coffey	1,000	----------	1,000.00
William A. Trischett	1,000	----------	1,000.00
American Water Works & Electric Co., 6 percent cumulative preferred stock committee (Galdi committee):			
Bernard S. Kanton, counsel	80,000	3,651.22	83,651.22
Dr. Ralph E. Badger, expert	13,750	----------	13,750.00
Joseph C. Galdi, committee member	2,000	----------	2,000.00
Total	273,750	24,350.48	298,100.48

[1] To be supplied by amendment.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications:

It is ordered, Pursuant to section 11 (e) and 18 of the act, that the hearings herein be reconvened for the purpose of taking evidence on said applications, said hearing to commence on April 8, 1953, at 11:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person who is not already a party, or who has not already filed an application for allowance for fees or expenses, or who has not been granted leave to participate herein, who desires to be heard or otherwise wishes to participate, shall file with the Secretary of the Commission, on or before April 3, 1953, a request or application relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for the purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby empowered to exercise all such powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan and whether the requested amounts are reasonable.

(2) Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That a copy of this notice shall be mailed by registered mail to the West Penn Electric Company and the applicants herein, that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act, and that further notice shall be given to all persons by pulbication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1763; Filed, Feb. 24, 1953; 8:47 a. m.]

[File No. 70–2987]

NIAGARA MOHAWK POWER CORP.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

FEBRUARY 18, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which the United Corporation, a registered holding company, owned, as of January 15, 1953, 9.48 percent of the outstanding voting securities, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the issue and sale by Niagara Mohawk, pursuant to the competitive bidding requirements of Rule U-50, of $25,000,000 principal amount of General Mortgage Bonds, __ Percent Series, due February 1, 1983, and 1,000,000 shares of its common capital stock without par value; and

The Commission having, by order dated February 9, 1953, granted said application, as amended, subject to the conditions, among others, that the proposed sale of bonds and common stock shall not be consummated until the results of competitive bidding and a final order of the

Public Service Commission of the State of New York approving the issue and sale of said bonds and stock shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all fees and expenses to be incurred in connection with the proposed transactions; and

The Commission by order dated February 16, 1953 having released jurisdiction with respect to the sale of the common stock; and

Niagara Mohawk having on February 18, 1953, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	Annual interest rate (percent)	Price to Niagara Mohawk (percent of principal) [1]	Annual cost to Niagara Mohawk (percent)
Morgan Stanley & Co	3½	101.10	3.440922
Halsey, Stuart & Co., Inc	3½	101.02999	3.444657
The First Boston Corporation	3½	100.9199	3.450535
Kuhn, Loeb & Co	3½	100.8699	3.453210

[1] Exclusive of accrued interest from February 1, 1953.

The amendment further stating Niagara Mohawk has accepted the bid of Morgan Stanley & Co. for the bonds as set forth above and that the bonds will be offered to the public at a price of 101.75 percent of principal amount thereof, resulting in an underwriters' spread of 0.65 percent of principal amount; and

The Public Service Commission of the State of New York having entered its order dated February 5, 1953 approving the issue and sale of the bonds subject to conditions subsequent which have been satisfied, and the record not having been completed with respect to the fees and expenses to be incurred in connection with the proposed sale of the bonds, which under the order of the State Commission may not exceed $235,000 for the bonds; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, redemption prices of the bonds and the interest rate thereon, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over the payment of all fees and expenses be, and hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1764; Filed, Feb. 24, 1953; 8:47 a. m.]

[File No. 70-2988]

APPALACHIAN ELECTRIC POWER CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY AND ACQUISITION BY PARENT COMPANIES OF CAPITAL STOCK

FEBRUARY 18, 1953.

In the matter of Appalachian Electric Power Company, the Ohio Power Company, Central Operating Company; File No. 70-2988.

Appalachian Electric Power Company ("Appalachian"), and the Ohio Power Company ("Ohio Power"), both electric utility subsidiaries of American Gas and Electric Company, a registered holding company, and Central Operating Company ("Operating Company"), an electric utility subsidiary of both Appalachian and Ohio Power, having filed a joint application-declaration pursuant to sections 6, 7 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Operating Company proposes the issuance and sale, from time to time prior to December 31, 1954, of 16,000 shares of its capital stock, par value $100 per share, and Appalachian and Ohio Power propose to acquire such shares in equal amounts for $100 per share in cash. Appalachian and Ohio Power each owns 50 percent of the 40,000 shares of outstanding capital stock of Operating Company, and as a result of the proposed transactions, each will acquire 8,000 shares of the capital stock proposed to be issued by Operating Company. Such shares will be made available by an amendment of the Charter of Operating Company to increase its authorized capital stock from 40,000 to 80,000 shares.

Operating Company, which operates the Philip Sporn generating plant for the account of Appalachian and Ohio Power, will use the proceeds from the proposed issuance and sale of its capital stock for additional working capital required to increase its coal stock and other materials and supplies and to meet necessary operating expenses.

It is stated that the State Corporation Commission of Virginia has jurisdiction over the acquisition by Appalachian of capital stock of Operating Company and has approved such acquisition.

Notice of the filing of the joint application-declaration having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1762; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2992]

HAVERHILL ELECTRIC CO. ET AL.

NOTICE OF FILING OF PROPOSED NOTE ISSUES

FEBRUARY 18, 1953.

In the matter of Haverhill Electric Company, Lawrence Gas and Electric Company, the Lowell Electric Light Corporation, Malden Electric Company, New England Power Company, Salem Electric Lighting Company, Suburban Gas and Electric Company, Worcester County Electric Company; File No. 70-2992.

Notice is hereby given that declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by the above named companies, hereinafter individually referred to as "Haverhill", "Lawrence", "Lowell", "Malden", "NEPCO", "Salem Electric", "Suburban" and "Worcester", and collectively referred to as the "borrowing companies," all public-utility subsidiary companies of New England Electric System ("NEES"), a registered holding company. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to banks, from time to time but not later than June 30, 1953, unsecured six-months promissory notes in the maximum aggregate principal amount of $23,840,000. Each of the proposed notes will be due six months after the respective issue date thereof and each will bear interest at the prime rate of interest at the time of the issuance. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, the borrowing company will file an amendment to its declaration at least five days prior to the issuance of said note or notes setting forth the name of the bank or banks, the terms of the note or notes, and the rate of interest. Each of the borrowing companies requests that such amendment become effective at the end of such five

day period unless the Commission notifies it to the contrary within said period.

The following table shows the amount of promissory notes proposed to be issued by each of the borrowing companies and the use of the proceeds derived from such notes.

Company	Notes proposed to be issued prior to June 30, 1953	Use of proceeds	
		Payment of notes payable to banks	Construction expenditures
Haverhill	$900,000	$700,000	$200,000
Lawrence	1,815,000	1,415,000	400,000
Lowell	3,400,000	3,100,000	300,000
Malden	2,050,000	1,500,000	550,000
NEPCO	9,400,000	9,400,000	----------
Salem Electric	200,000	200,000	----------
Suburban	1,375,000	1,275,000	100,000
Worcester	4,700,000	3,000,000	1,700,000
Total	23,840,000	20,590,000	3,250,000

Each of the borrowing companies states that the proceeds from any permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declarations state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for each of the borrowing companies or an aggregate of $1,600. The declarations further state that, except for an exemption by the Public Utilities Commission of New Hampshire with respect to notes proposed to be issued by NEPCO, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 26, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1760; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2997]

NARRAGANSETT ELECTRIC CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SERIES D BONDS

FEBRUARY 18, 1953.

Notice is hereby given that the Narragansett Electric Company ("Narragansett"), an electric utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transaction which may be described as follows:

Narragansett proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of First Mortgage Bonds, Series D, __ percent, due 1983, to be issued under and secured by Narragansett's First Mortgage Indenture and Deed of Trust dated as of September 1, 1944, as supplemented and to be supplemented by an indenture to be dated as of March 1, 1953. The interest rate (which will be a multiple of ⅛ of 1 percent and the price (exclusive of accrued interest) to be paid to Narragansett (which will not be less than 100 percent nor more than 102¾ percent of the principal amount) are to be determined by the competitive bidding.

Narragansett states that the proceeds, exclusive of accrued interest and expenses of issuance, will be used to pay short-term bank borrowings incurred to finance construction, which borrowings the company estimates will aggregate $3,500,000 at the time of the proposed sale, and to reimburse the treasury for funds expended for construction.

The filing states that the issue and sale of the bonds are solely for the purpose of financing the business of Narragansett, and have been expressly authorized by the Public Utility Administrator of Rhode Island, in which state Narragansett is organized and doing business. The filing also states that total expenses of Narragansett in connection with the proposed transaction are estimated not to exceed $72,000, including $18,000 for services to be performed at cost by New England Power Company, an affiliated service company. It requests that the Commission's order become effective upon issuance and that the ten-day period for inviting bids with respect to the bonds, as provided in Rule U-50, be shortened to a period of not less than six days.

Notice is further given that any interested person may, not later than February 27, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1759; Filed, Feb. 24, 1953; 8:46 a. m.]

[File No. 70-2998]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT

FEBRUARY 18, 1953.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and Narragansett Electric Company ("Narragansett"), a public utility subsidiary of NEES, have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6 (b), 9 (a) and 10 of the act and Rules U-50 (a) (1), U-50 (a) (3) and U-42 (b) (2) thereunder as applicable to the proposed transactions which are summarized as follows:

Narragansett has authorized and outstanding 582,487 shares of $50 par value common stock, all of which is owned by NEES. Narragansett proposes to issue and sell an additional 100,000 shares of its common stock to NEES for a cash consideration of $5,000,000. Narragansett also proposes, prior to the issuance of any additional common stock, to take all steps necessary to increase the authorized number of shares of its common stock from 582,487 shares to 682,487 shares.

The filing states that the proceeds of the sale of the additional common stock will be applied toward the payment of short-term notes payable to banks evidencing borrowings made for construction which Narragansett anticipates will aggregate $8,500,000 prior to the issuance of the additional common stock.

The filing also states that the issue and sale of the additional common stock are solely for the purpose of financing the business of Narragansett, and that such issue and sale have been expressly authorized by the Public Utility Administrator of Rhode Island, in which state Narragansett is organized and doing business. The filing further states that total expenses of Narragansett and NEES in connection with the proposed transactions are estimated not to exceed $8,000 and $300, respectively, including $2,000 and $300, respectively, for services performed at cost by New England Power Company, an affiliated service company. It requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than February 27, 1953, at 5:30 p. m., request

the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-1761; Filed, Feb. 24, 1953; 8.46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19181]

PHOENIX BUILDING AND LOAN ASSN.

In re: In the matter of Phoenix Building and Loan Association of the city of Newark, New Jersey. File No. F-28-32026.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Mary Finn whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: The sum of $1,845.24 with all accretions thereto and interest thereon in the possession, custody or under the control of the Supervisor of Trust Funds, Superior Court of New Jersey, Chancery Division, being the sum deposited to the credit of Mary Finn in the Matter of the Voluntary Dissolution and Liquidation of the Phoenix Building and Loan Association of the City of Newark, New Jersey, less lawful fees and disbursements,

is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person named in subparagraph 1 hereof, a national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 18, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-1783; Filed, Feb. 24, 1953; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, hereinafter called the act, authority is hereby delegated to the Secretary of Agriculture to negotiate a contract for the furnishing of certain materials in connection with a research project, Contract No. DA 18-108-CML-2487, pursuant to the provisions of section 302 (c) (10) of the act.

2. This authority shall be exercised strictly in accordance with Title III of the act, particularly section 307, which requires written findings, the submission of a copy of such findings to the General Accounting Office with the Contract, and the preservation of data with respect to the negotiation.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of Agriculture within the limitations of section 307 (b) of the act.

4. The information specified in section 302 (c) (10) of the act shall be furnished to the General Services Administration as provided in the Regulations of General Services Administration, Title I, Chapter II, section 212, and the exhibits referred to in that section, for incorporation in the General Services Administration report to Congress.

5. This delegation shall be effective as of the date hereof.

Dated: February 19, 1953.

RUSSELL FORBES, *Acting Administrator.*

[F. R. Doc. 53-1819; Filed, Feb. 20, 1953; 5:15 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27809]

MOTOR-RAIL-MOTOR RATES BETWEEN POINTS IN MASSACHUSETTS, CONNECTICUT, AND RHODE ISLAND, AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and The Connecticut Motor Lines, Inc.

Commodities involved: Semi-trailers, loaded and empty, on flat cars.

Between: Boston, Springfield, and Worcester, Mass., Hartford and New Haven, Conn., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-1773; Filed, Feb. 24, 1953; 8:50 a. m.]

[4th Sec. Application 27810]

COMMODITY RATES BETWEEN VEE, OHIO AND POINTS IN THE U. S. AND CANADA

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Consolidated Freight Classification No. 20, Agent W. S. Flint's I. C. C. O. C. No. 64.

Commodities involved: Various commodities.

Between: Vee, Ohio, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuitous routes, and to maintain

grouping, also newly established station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1774; Filed, Feb. 24, 1953; 8:50 a. m.]

[4th Sec. Application 27811]

PAPER, COATED, FROM ALGOMA AND MENASHA, WIS., TO CANTON, OHIO, TRENTON, N. J., AND ROCHESTER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariffs I. C. C. Nos. A–3715 and A–3940, pursuant to fourth-section order No. 17220.

Commodities involved: Paper, coated or impregnated with synthetic resin, etc., carloads.

From: Algoma and Menasha, Wis.

To: Canton, Ohio, Trenton, N. J., and Rochester, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1775; Filed, Feb. 24, 1953; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 11]

SOUTHERN PACIFIC CO.

REROUTING AND DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Southern Pacific Company, because of fire-damaged bridge at Yuma, Arizona, is unable to transport traffic over its line: *It is ordered,* That:

(a) Rerouting traffic: The Southern Pacific Company, being unable to transport traffic routed over its line because of fire-damaged bridge at Yuma, Arizona, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 p. m., February 17, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., February 27, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 17, 1953.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53–1776; Filed, Feb. 24, 1953; 8:51 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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OF THE UNITED STATES 1934

VOLUME 18 NUMBER 38

Washington, Thursday, February 26, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3005

CHILD HEALTH DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS the health and wholesome development of our children are matters of the deepest concern to all Americans; and

WHEREAS the stresses and strains of our times create many problems bearing on the spiritual and emotional health of our children and are reflected notably in juvenile delinquency; and

WHEREAS we have made tremendous advances in overcoming the most severe physical hazards of childhood, and are now striving to make equally significant progress in understanding the nature of emotional health, in order that our children may grow into mature, responsible citizens of a democracy:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the first day of May, 1953, as Child Health Day; and I urge all parents and young people, and all other individuals, as well as agencies and organizations interested in the well-being of children, to increase their understanding of the emotional, social, and spiritual growth of children, so as to apply this understanding in their day-to-day relations with the rising generation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of February in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-1868; Filed, Feb. 25, 1953; 10:18 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 643—OILSEEDS

SUBPART—1953-CROP CASTOR BEAN PRODUCTION AND PROCUREMENT PROGRAM

§ 643.835 *1953-crop castor beans.* (a) In order to obtain increased quantities of castor beans and castor oil for national defense purposes, the Secretary of Agriculture has authorized the Commodity Credit Corporation (referred to in this section as "CCC") to carry out a program for the domestic production and procurement of 1953-crop castor beans. It is contemplated that castor beans will be produced under the program by harvesting about 125,000 acres in areas for which adapted seed is available within the States of Arizona, Arkansas, California, New Mexico, Oklahoma, and Texas. The program will be available to producers who enter into contracts with CCC or with private companies, producers cooperative associations, or other persons who contract with CCC to arrange for castor bean production in specified areas within such States. Such producer contracts will contain the detailed terms and conditions under which castor beans will be grown by and purchased from producers. Insofar as possible, contracts will be offered to producers within concentrated production areas, so that maximum use can be made of harvesting machinery and receiving, hulling, and storage facilities. In general, the base price to be paid to producers will be the higher of nine cents per pound or the market price at the time and place of delivery, out-of-hull

(Continued on next page)

CONTENTS

THE PRESIDENT

Proclamation — Page
Child Health Day, 1953 — 1103

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation; Production and Marketing Administration.

Army Department
Rules and regulations:
Labor; Army procurement procedure; basic consideration — 1112

Civil Aeronautics Board
Notices:
Hearings, etc.:
Braniff Airways, Inc — 1121
Braniff Airways, Inc., and United Air Lines, Inc — 1121
Continental Air Lines, Inc., and United Air Lines, Inc — 1121
Proposed rule making:
Scheduled interstate air carrier certification and operation rules; flight and duty time limitations — 1120

Commerce Department
See National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Oilseeds; 1953-crop castor bean production and procurement program — 1103

Defense Department
See Army Department.

Defense Mobilization, Office of
Notices:
Camp McCoy, Wis.; decertification of a critical defense housing area — 1123

Federal Power Commission
Notices:
Hearings, etc.:
Rockland Light and Power Co — 1122
Southern Union Gas Co. et al — 1122
Southern Utah Power Co — 1121
United Gas Pipe Line Co — 1122

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Dolcin Corp. et al — 1110
National Health Aids, Inc., et al — 1111

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 17 ($0.35)

Previously announced: Titles 10–13 ($0.40); Title 18 ($0.35); Title 49: Parts 71 to 90 ($0.45)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

General Services Administration Page
Rules and regulations:
Manganese regulations:
Domestic purchase program 1112
Purchase program for ore at Butte and Philipsburg, Mont.; price schedule 1112

Housing and Home Finance Agency
Notices:
Central Office; description of agency and programs and final delegations of authority 1122

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Ann Arbor Railroad Co.; rerouting or diversion of traffic 1126
District No. 5, Bureau of Motor Carriers; abolishment and reapportionment to other districts 1126

Interstate Commerce Commission Page
Notices—Continued
Railway Express Agency, Inc.; increased express rates and charges, 1953 1125

Land Management, Bureau of
Notices:
New Mexico; air navigation site withdrawal reduced 1121

National Production Authority
Rules and regulations:
Chemicals, limitation for DO-rated orders; revocation (M-32) 1112

Production and Marketing Administration
Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho; procedural rules governing liquidation of Hop Control Board 1118
Milk handling:
Fort Smith, Ark 1117
Springfield, Mo 1116
St. Louis, Mo 1114
Rules and regulations:
Carrots, U. S. standards for grades:
Canned 1105
Frozen diced 1108
Cotton classification under Cotton Futures Legislation; miscellaneous amendments 1105

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arlington Gas Light Co. et al 1123
Central Maine Power Co 1123
Delaware Power & Light Co 1124
Pennsylvania Gas & Electric Corp. et al 1123

Small Defense Plants Administration
Notices:
Request to Small Plants Associates of Philadelphia to operate as a small business production pool and request to certain companies to participate in the operations of such pool 1124

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter I (Proclamations):
3005 1103

Title 6
Chapter IV:
Part 643 1103

Title 7
Chapter I:
Part 27 1105
Part 52 (2 documents) 1105, 1108

CODIFICATION GUIDE—Con.

Title 7—Continued Page
Chapter IX:
Part 903 (proposed) 1114
Part 921 (proposed) 1116
Part 976 (proposed) 1117
Part 986 (proposed) 1118

Title 14
Chapter I:
Part 40 (proposed) 1120
Part 61 (proposed) 1120

Title 16
Chapter I:
Part 3 (2 documents) 1110, 1111

Title 32
Chapter V:
Part 601 1112

Title 32A
Chapter VI (NPA):
M-32 1112
Chapter XIV (GSA) (2 documents) 1112

basis, with appropriate adjustments in the net weight or price for quality factors, which may include oil content. Premiums will be paid for certain improved varieties or strains of castor beans grown for planting seed under special seed production and purchase contracts.

(b) CCC will stand ready to enter into contracts with private companies, producer cooperative associations, or others with adequate facilities who will agree to arrange for the production and procurement of 1953-crop castor beans in certain areas. Under the terms of such contracts the company, association, or other person may be required to (1) enter into contracts with producers for the production and purchase of 1953-crop castor beans, (2) purchase, at prices not less than the price to producers mentioned in paragraph (a) of this section, all castor beans grown and delivered by producers under contract which are suitable for crushing or planting seed, (3) hull the castor beans in areas where the producers deliver in the hull pursuant to the terms of their contracts, (4) inspect, handle, store, and load out the castor beans, and (5) perform all functions and services necessary to the efficient operation of the program in the area. Such contracts also will provide that the company, association, or other person may offer to CCC, under terms provided in the contracts, any or all castor beans delivered by producers under contract, or the oil equivalent of such beans, at any time when the market price of castor beans at the delivery point, as determined by CCC, is less than nine cents per pound. If CCC makes farm machinery or other equipment available to producers in any area covered by such a contract with a company, association, or other person, under conditions which CCC determines are likely to result in a loss, such company, association, or other person must deliver to CCC, under terms provided in the contract, a percentage of the castor beans (or oil equivalent) produced which is equal to the ratio of the estimated number of machine hours used by such machinery or equipment to the total

number of machine hours required in the production of the castor bean crop, unless provision for reimbursement of CCC in full for such loss is made. Any private company, producer association, or other person interested in entering into such a contract with CCC should notify the Chairman, State PMA Committee, for the State of Arizona, Arkansas, California, New Mexico, Oklahoma, or Texas, as the case may be, of his interest and request further information. Such notification must be filed with the State PMA Chairman within twenty days from the date of publication of this notice in the FEDERAL REGISTER, unless the State PMA Chairman, for good cause shown, extends the time for filing such notification. The State PMA Committee will determine the areas in which the above described contract will be effective within the State. An authorized CCC contracting officer within the State PMA office will enter into contracts on behalf of CCC.

(c) There will be made available to producers under the program facilities for receiving, hulling (except where producers are required by their contracts to deliver castor beans out-of-hull), and inspecting castor beans delivered by such producers pursuant to the terms of their contracts. CCC will sell or rent harvesting machinery and other machinery or equipment owned by it. Other information regarding the program may be obtained from the appropriate State committee in States where the program is in operation or by writing to the Fats and Oils Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(d) The following is a list of the addresses of the Chairmen of the State Committees for the States where castor beans will be produced under the program:

Chairman, State PMA Committee, Union Investment Co. Building, 415 South First Street, Phoenix, Ariz.

Chairman, State PMA Committee, 347 Federal Office Building, Little Rock, Ark.

Chairman, State PMA Committee, 1515 Clay Street, Oakland 12, Calif.

Chairman, State PMA Committee P. O. Box 362, 1224 North Fourth Street, Albuquerque, N. Mex.

Chairman, State PMA Committee, Etherton, Building, Sixth and Main Streets, Stillwater, Okla.

Chairman, State PMA Committee, AAA Building, College Station, Tex.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 303, 304, 64 Stat. 801, 802, as amended; 15 U. S. C. Sup. 714c, 50 U. S. C. App. Sup. 2093, 2101)

Issued this 20th day of February 1953.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1825; Filed, Feb. 25, 1953; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MISCELLANEOUS AMENDMENTS

On January 6, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 116) regarding a number of proposed amendments of the regulations (7 CFR 27.1 through 27.107, as amended) governing cotton classification under provisions of the Internal Revenue Code (53 Stat. 210; 26 U. S. C. 1920–1935) derived from the United States Cotton Futures Act (39 Stat. 476) as amended.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, pursuant to the authority contained in the provisions of the Internal Revenue Code cited above.

1. Section 27.82 is amended to read:

§ 27.82 *Fees; review of classification.* For the review of the classification of any cotton, the fee shall be 35 cents per bale, which shall cover the review and any expense incident to forwarding and returning samples or other additional expense connected therewith, whether the review classification is performed by the Appeal Board of Review Examiners at Washington, D. C., or by a committee of such Board functioning in the field.

2. The headnote and text of § 27.87 is amended to read:

§ 27.87 *Fees; classification information.* Whenever the person who requests the classification of cotton, or the person on whose behalf such request is made, shall also request the transmission by telegraph or telephone of information concerning such classification, the person making the request for classification shall pay in addition to the applicable costs prescribed in this subpart the cost of tolls incurred in such transmission.

3. Section 27.90 is amended to read:

§ 27.90 *Bills for payment of fees and expenses.* The Administration shall deliver bills to all persons from whom payment for fees or expenses on account of services under this subpart shall be due. Such bills shall be rendered as soon as practicable after the last day of each month for the amounts due and unpaid on such day. When necessary, in the discretion of the chairman of the board or the Administrator, any bill may be rendered at an earlier date for any fees and expenses then due by the person to whom such bill shall be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than 2 weeks after such rendition.

4. Section 27.2 (a) is amended to read:

(a) *The act.* The provisions of the Internal Revenue Code (53 Stat. 210; 26 U. S. C. 1920–1935) derived from the United States Cotton Futures Act (39 Stat. 476) as amended.

5. Sections 27.3 and 27.4 are amended by deleting therefrom the phrase "as amended".

6. Section 27.7 is amended by striking out the phrase "section 6A" and substituting therefor the phrase "section 1923".

7. Section 27.8 is amended by striking out the phrase "United States Cotton Futures Act" and substituting therefor the word "act".

8. Section 27.86 is amended by striking out the phrase "section 5" and substituting therefor the phrase "paragraph 1922 (a)".

9. Section 27.95 is amended by striking out the phrase "sections 6, 7, and 8" and substituting therefor the phrase "paragraphs 1922 (c) and 1929 (c), and section 1927".

10. Section 27.97 is amended by striking out the phrase "sections 5 and 6" and substituting therefor the phrase "section 1922".

11. Sections 27.2, 27.3, 27.4, 27.5, 27.7, 27.31, 27.42, 27.43, 27.44, 27.45, 27.47, 27.52, 27.53, 27.62, 27.63, 27.65, 27.71, 27.73, 27.84, 27.94, and 27.99 are amended by striking out the phrase "Section 5" or "section 5" wherever it appears and substituting therefor the phrase "Section 1922" or "section 1922" respectively.

12. Sections 27.94 and 27.99 are amended by striking out the phrase "section 6" wherever it appears and substituting therefor the phrase "paragraph 1922 (c)".

13. The heading for Part 27 of Title 7 of the Code of Federal Regulations is redesignated as set forth above.

The foregoing amendments shall become effective on April 1, 1953.

(39 Stat. 476, 40 Stat. 1351, 41 Stat. 725, 44 Stat. 1248; 26 U. S. C. 1920–1935)

Done at Washington, D. C., this 19th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1801; Filed, Feb. 25, 1953; 8:47 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

U. S. STANDARDS FOR GRADES OF CANNED CARROTS

A notice of proposed rule making was published on October 29, 1952, in the FEDERAL REGISTER (17 F. R. 9749) regarding proposed United States Standards for Grades of Canned Carrots. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Carrots are hereby promul-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

gated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.216 *Canned carrots.* "Canned carrots" means the canned product properly prepared from the clean, sound root of the carrot plant as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990, as amended 17 F. R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Styles of canned carrots.* (1) "Whole" or "whole carrots" means canned carrots consisting of whole carrots that retain the approximate original conformation of the whole carrot.

(2) "Slices" or "sliced carrots" means canned carrots consisting of carrot slices produced by slicing whole carrots transverse to the longitudinal axis.

(3) "Quarters" or "quartered carrots" means canned carrots consisting of quarters of carrots produced by cutting whole carrots longitudinally into four approximately equal units. Whole carrots cut longitudinally into six units approximating the size and appearance of the quartered carrots are also permitted in this style.

(4) "Diced carrots" means canned carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(5) "Julienne," "French style," or "shoestring" means canned carrots consisting of strips of carrots.

(6) "Cut" means canned carrots consisting of units which with respect to size or shape do not conform to any of the foregoing styles. Carrots which have been cut longitudinally into two approximately equal units are included in this style.

(7) "Unit" means an individual carrot or portion of a carrot in canned carrots.

(b) *Grades of canned carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned carrots that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grade of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container of canned carrots be filled as full as practicable with carrots without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(d) *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned carrots is determined by emptying the contents of the container upon a U. S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and carrots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CARROTS

Container size or designation	Style of canned carrots				
	Whole	Diced	Quartered cut	Sliced	Julienne
8-ounce tall	5¾	6	6	5¾	5½
8-ounce glass	5¾	6	6	5¾	5½
No. 1 picnic	7¼	7½	7½	7¼	7
No. 300	9½	10	10	9½	9
No. 303	10½	11	11	10½	10
No. 303 glass	10½	11	11	10½	10
No. 2	12½	13	12½	12½	12
No. 2½	18½	19	18½	18½	18¼
No. 2½ glass	18¼	18¾	18¼	18¼	18
No. 10	68	72	70½	69	68

(e) *Sizes of carrots in whole carrots.* The size of any carrot is determined by measuring the longest diameter through the center transverse to the longitudinal axis of the carrot.

(f) *Sizes of carrot slices in sliced carrots.* The size of any slice in sliced carrots is determined by measuring the smallest diameter of the largest surface of the slice.

(g) *Sizes of carrot quarters in quartered carrots.* The size of any quarter in quartered carrots with respect to diameter is determined by measuring the largest cut surface transverse to the longitudinal axis.

(h) *Ascertaining the grade.* (1) The grade of canned carrots is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) "Normal flavor and odor" means that the canned carrots are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Canned carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned carrots possess an orange-yellow color that is bright and typical of canned carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the canned carrots possess a fairly good color, a score of 18 to 20 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned carrots possess the typical color of canned carrots, that such color may be slightly dull but not off-color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Canned carrots that are off-color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Canned carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(*a*) *Whole carrots.* The size of the individual carrot is not more than 1¾ inches in diameter, measured as aforesaid; the carrots may vary moderately in shape and the diameter of the largest unit is not more than 50 percent greater than the diameter of the second smallest unit.

(*b*) *Quartered carrots.* The carrots from which the quarters have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than 50 percent greater than the diameter of the second smallest quarter, and the length of the longest quarter is not more than 50 percent greater than the length of the second shortest quarter.

(c) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 2½ inches in diameter, measured

as aforesaid, and the diameter of the largest slice is not more than 50 percent greater than the diameter of the second smallest slice.

(*d*) *Diced carrots.* The units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(*e*) *Julienne, French style, or shoestring.* The strips of carrots are practically uniform in size and shape, with cross sections measuring approximately 3/16 inch, and the aggregate weight of all strips less than ½ inch in length does not exceed 12 percent of the weight of all the strips.

(*f*) *Cut.* The individual units weigh not less than ¼ ounce and the largest unit is not more than four times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than 50 percent greater than the weight of the second smallest unit.

(ii) If the canned carrots are fairly uniform in size and shape a score of 8 to 11 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(*a*) *Whole carrots.* The size of the individual carrot is not more than 2¼ inches in diameter, measured as aforesaid; the carrots may vary considerably in shape, and the diameter of the largest unit is not more than twice the diameter of the second smallest unit.

(*b*) *Quartered carrots.* The carrots from which the quarters have been cut were of a size not more than 2½ inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than twice the diameter of the second smallest unit, and the length of the longest quarter is not more than twice the length of the second shortest quarter.

(*c*) *Sliced carrots.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 2½ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the second smallest slice.

(*d*) *Diced carrots.* The units are fairly uniform in size and shape, with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(*e*) *Julienne, French style, or shoestring.* The strips of carrots are fairly uniform in size and shape, with cross sections measuring approximately 3/16 inch and the aggregate weight of all the strips less than ½ inch in length does not exceed 25 percent of the weight of all the strips.

(*f*) *Cut.* The individual units weigh not less than ⅛ ounce and the largest unit is not more than twelve times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than twice the weight of the second smallest unit.

(iii) Canned carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blesmished or seriously blemished by other means.

(*a*) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, excessively trimmed units, or damaged by other means.

(*b*) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ¼ inch in diameter.

(*c*) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(*d*) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Canned carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned carrots:

(*a*) *Whole carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than ½ thereof or one carrot, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(*b*) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than ½ thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(*c*) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units and of such 10 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Canned carrots that are fairly free from defects may be given a score of 22 to 25 points. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned carrots:

(*a*) *Whole carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent, not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(*b*) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(*c*) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 20 percent of the weight of all the units, and of such 20 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* (i) The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse and fibrous units.

(ii) Canned carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender and firm but not fibrous, and possess a practically uniform texture.

(iii) If the canned carrots possess a fairly tender texture, a score of 22 to 25 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender texture" means that the carrots are fairly tender, may be variable in texture but not soft or mushy, tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iv) Canned carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned carrots, the grade for such lot will be determined by averaging the total score of all containers if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned carrots.*

Number, size, and kind of container	----
Container mark or identification	----
Label	----
Net weight (ounces)	----
Vacuum (inches)	----
Drained weight (ounces)	----
Style	----
Size of whole carrots (count)	----
Size of sliced carrots (diameter)	----

Factors		Score points
I. Color	25	(A) 21–25 (C) [1] 18–20 (S Std.) [1] 0–17
II. Uniformity of size and shape.	15	(A) 12–15 (C) [1] 8–11 (S Std.) [1] 0– 7
III. Absence of defects	30	(A) 26–30 (C) [1] 22–25 (S Std.) [1] 0–21
IV. Texture	30	(A) 26–30 (C) [1] 22–25 (S Std.) [1] 0–21
Total score	100	

Normal flavor and odor	----
Grade	----

[1] Indicates limiting rule.

(l) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Carrots (which are the fourth issue) contained in this section will become effective thirty days after date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Carrots which have been in effect since August 27, 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 20th day of February 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53–1823; Filed, Feb. 25, 1953; 8:54 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS [1]

U. S. STANDARDS FOR GRADES OF FROZEN DICED CARROTS

A notice of proposed rule making was published on September 19, 1952, in the FEDERAL REGISTER (17 F. R. 8439) regarding proposed United States Standards for Grades of Frozen Diced Carrots. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Diced Carrots are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.218 *Frozen diced carrots.* Frozen diced carrots is the clean and sound product prepared from the fresh root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(a) *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(b) *Grades of frozen diced carrots.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen diced carrots that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(i) Color	25
(ii) Uniformity of size and shape	15
(iii) Absence of defects	30
(iv) Texture	30
Total score	100

(3) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

(1) *Color.* (i) Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(ii) If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen diced carrots pos-

sess the typical color of frozen carrots and such color may be slightly dull but not off color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are off color for any reason or that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(ii) If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately ½ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished or seriously blemished by other means.

(*a*) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, or damaged by other means.

(*b*) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter.

(*c*) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(*d*) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(ii) Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 1 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(iii) Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units and of such 16 percent not more than ½ thereof may consist of blemished units and seriously blemished units: *Provided,* That not more than 2 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not materially affect the appearance or eating quality of the product.

(iv) Frozen diced carrots that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Texture.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse or fibrous units.

(i) Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a practically uniform texture.

(ii) If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(iii) Frozen diced carrots that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen diced carrots the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen diced carrots.*

Size and kind of container		
Container marks or identification		
Label		
Net weight (ounces)		
Style		
Factors		**Score points**
I. Color	25	(A) 21–25 (B) [1] 18–20 (SStd.) [1] 0–17
II. Uniformity of size and shape	15	(A) 12–15 (B) [1] 8–11 (SStd.) [1] 0– 7
III. Absence of defects	30	(A) 26–30 (B) [1] 22–25 (SStd.) [1] 0–21
IV. Texture	30	(A) 26–30 (B) [1] 22–25 (SStd.) [1] 0–21
Total score	100	
Grade		
Flavor and odor		

[1] Indicates limiting rule.

(g) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Diced Carrots (which are the second issue) contained in this section will become effective thirty days after date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Diced Carrots which have been in effect since October 15, 1951.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 20th day of February 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53–1822; Filed, Feb. 25, 1953; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5692]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOLCIN CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* In connection with the offering for sale, sale and distribution of the drug preparation "Dolcin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondents' preparation, which advertisements represent, directly or by implication, (a) that the taking of said preparation will constitute an adequate, effective or reliable treatment for rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition; (b) that said preparation will arrest the progress or correct the underlying causes of, or will cure, rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition; (c) that said preparation will afford any relief of severe aches, pains, and discomforts of rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary relief of minor aches, pains, or fever; (d) that the taking of said preparation is an adequate, effective, or reliable treatment for so-called "growing pains" in children, or that its use will prevent rheumatic fever; (e) that said preparation may safely be taken over prolonged periods of time; (f) that said preparation may safely be taken by persons adversely affected by aspirin; and (g) that said preparation is economical, inexpensive, or of low cost, unless and until the retail selling price, without prescription, of such preparation shall, in truth and in fact, be less than the retail selling price, without prescription, of the only active ingredient contained in said preparation, which is acetylsalicylic acid, commonly known as aspirin; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dolcin Corporation et al., New York, N. Y., Docket 5692, December 2, 1952]

In the Matter of Dolcin Corporation, and Victor Van Der Linde, George Shimmerlik and Albert T. Wantz, Individually and as Officers of Dolcin Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of said complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested; and said hearing examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion [1] drawn therefrom, and order to cease and desist.

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Appeal from Initial Decision of the Hearing Examiner, Decision of the Commission and Order to File Report of Compliance", dated December 2, 1952, as follows:

This matter came on to be heard by the Commission upon respondents' appeal from the initial decision of the hearing examiner, briefs in support of and in opposition to said appeal and oral argument of counsel. In support of their appeal respondents have set out in their appeal brief extensive exceptions to certain of the findings as to the facts, conclusion and provisions of the order and to certain procedural rulings of the hearing examiner. These exceptions have been fully considered and denied by the Commission in a separate order issued simultaneously herewith.

This matter relates to the truth of falsity of certain claims made by respondents in advertisements of the preparation Dolcin. There is no contest as to the actual advertisements or as to the ingredients of the preparation. The contest is as to the meaning of the advertisements and the effects of using the preparation as directed.

The record shows that respondents claimed in their advertising that, in addition to providing relief from the symptoms of arthritic and rheumatic conditions, Dolcin would attack the underlying causes of the conditions themselves. An example is the following excerpt from one of respondents' advertising pamphlets:

7. Is Dolcin just another palliative * * * a product for relieving pain for a few hours? The answer is very definitely that Dolcin is not just a palliative masking pain and discomfort for a few hours. Dolcin is designed to relieve pain promptly but, also, the Dolcin treatment is directed to the disturbances in metabolism which are a very important part of the background of the Rheumatic State, and is designed to give prolonged relief from symptoms.

The greater weight of the evidence is that other than aspirin none of the ingredients in Dolcin have any value in connection with arthritic and rheumatic conditions and that the only value of aspirin taken in this connection is that it provides temporary relief from the less severe pains and fever accompanying these conditions. Respondents admit their preparation will not prevent the underlying causes, cure or arrest the progress of arthritic or rheumatic conditions. However, they do contend that it will relieve stiffness and swelling accompanying such conditions in certain cases in addition to providing pain relief. The greater weight of the evidence is contrary to respondents' contention and fully supports the findings of the hearing examiner in his initial decision.

The record also shows that respondents claimed in their advertising that Dolcin is non-toxic, may be taken safely in large quantities over prolonged periods even by persons adversely affected by aspirin. The greater weight of the evidence shows that the aspirin in Dolcin has exactly the same effect as if taken alone and that certain persons are adversely affected by aspirin and should not take it in large quantities or over a prolonged period. Aspirin is one of the safest analgesics known and is widely prescribed by physicians in large dosages for temporary relief of pain and fever in arthritic and rheumatic conditions. Serious results from such excessive use are rare. However, less serious but undesirable effects such as headache, nausea, vomiting will occur in persons unable to tolerate aspirin. Respondents' representations to the contrary are false and deceptive as found by the hearing examiner in his initial decision.

For these reasons as well as those set out in its ruling on respondents' exceptions, the Commission is of the opinion that all of the findings as to the facts contained in the initial decision are supportable by reliable, substantial, and probative evidence of record; that the conclusion contained therein is correct; and that the order to cease and desist therein is proper upon this record and is required to provide proper relief from respondents' illegal practices; and

The Commission, therefore, being of the opinion that respondents' appeal from the hearing examiner's initial decision is of no merit and that said initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the appeal of respondents from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 2d day of December 1952 become the decision of the Commission.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

[1] Filed as part of the original document.

It is ordered, That the respondents Dolcin Corporation, a corporation, and Victor van der Linde, George Shimmerlik, and Albert T. Wantz, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Dolcin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the taking of said preparation will constitute an adequate, effective or reliable treatment for rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(b) That said preparation will arrest the progress or correct the underlying causes of, or will cure, rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(c) That said preparation will afford any relief of severe aches, pains, and discomforts of rheumatic fever, fibrositis, myositis, neuritis, sciatica, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condtion in excess of affording temporary relief of minor aches, pains, or fever;

(d) That the taking of said preparation is an adequate, effective, or reliable treatment for so-called "growing-pains" in children, or that its use will prevent rheumatic fever;

(e) That said preparation may safely be taken over prolonged periods of time;

(f) That said preparation may safely be taken by persons adversely affected by aspirin; and

(g) That said preparation is economical, inexpensive, or of low cost, unless and until the retail selling price, without prescription, of such preparation shall, in truth and in fact, be less than the retail selling price, without prescription, of the only active ingredient contained in said preparation, which is acetylsalicylic acid, commonly known as aspirin;

2. Disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

Issued: December 2, 1952.

By the Commission.[2]

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-1811; Filed, Feb. 25, 1953; 8:50 a. m.]

[Docket 5997]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL HEALTH AIDS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution of NHA Complex or any product of substantially similar composition or possessing substantially similar properties whether sold under the same name or any other name, and on the part of respondent National Health Aids, etc., and its officers, respondent Kasher, individually and as president thereof, respondent T. A. A., Inc. (their advertising agent), its officers, and said respondents respective representatives, etc., disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or indirectly, (a) that the use of NHA Complex, as directed, will make one well or keep one well; (b) that NHA Complex, is of any value in the treatment of arthritis, neuralgia, sciatica, lumbago, gout, bursitis, coronary thrombosis, malfunctioning glands, infected tonsils, infected appendix, gallstones, eye trouble, overweight or goiter; (c) that NHA Complex, used as directed, is of any value in the treatment of neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, or inability to sleep, except when such conditions are due solely to mild forms of vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time; (d) that all persons in the United States consume a diet which is deficient in vitamins and minerals or that there are not many persons in the United States who consume a well balanced diet; (e) that persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals; (f) that it is necessary for persons who consume a well balanced diet to use a dietary supplement in order to assure their bodies a supply of minimum daily requirements of vitamins and minerals; or, (g) that NHA Complex contains Vitamin B-12 in sufficient quantity, so that when used as directed, it will be of any value in the treatment of any disease, disorder, or symptom thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Health Aids, Inc., et al., Baltimore, Maryland, Docket 5997, December 2, 1952]

In the Matter of National Health Aids, Inc., a Corporation, and Charles D. Kasher, Individually and as President of Said Corporation, and Television Advertising Associates, Inc., a Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in commerce in violation of provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 3, 1952, through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on December 2, 1952, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondents, National Health Aids of Baltimore, Inc., a corporation, its officers, Charles D. Kasher, individually and as President of said National Health Aids of Baltimore, Inc., and T. A. A., Inc., a corporation, its officers and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of NHA Complex or any product of substantially similar composition or possessing substantially similar properties whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement (a) by means of United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly:

(a) That the use of NHA Complex, as directed, will make one well or keep one well;

[2] Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

[1] Filed as part of the original document.

(b) That NHA Complex is of any value in the treatment of arthritis, neuralgia, sciatica, lumbago, gout, bursitis, coronary thrombosis, rheumatism, high blood pressure, diabetes, bad bones, bad teeth, malfunctioning glands, infected tonsils, infected appendix, gallstones, eye trouble, overweight or goiter;

(c) That NHA Complex, used as directed, is of any value in the treatment of neuritis, underweight, improper digestion and assimilation of food, constipation, indigestion, nervousness, lack of energy, lack of vitality, lack of ambition, grouchiness, or inability to sleep, except when such conditions are due solely to mild forms of vitamin and mineral deficiencies and then only when said preparation is taken continuously over a long period of time;

(d) That all persons in the United States consume a diet which is deficient in vitamins and minerals or that there are not many persons in the United States who consume a well balanced diet;

(e) That persons who consume a well balanced diet cannot obtain therefrom the minimum daily requirements of vitamins and minerals;

(f) That it is necessary for persons who consume a well balanced diet to use a dietary supplement in order to assure their bodies a supply of minimum daily requirements of vitamins and minerals;

(g) That NHA Complex contains Vitamin B–12 in sufficient quantity, so that when used as directed, it will be of any value in the treatment of any disease, disorder, or symptom thereof.

(2) Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is furthered ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 3, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53–1810; Filed, Feb. 25, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 601—LABOR

ARMY PROCUREMENT PROCEDURE; BASIC CONSIDERATION

Section 601.1101 is hereby revoked and the following substituted therefor:

§ 601.1101 *Basic consideration.* Policy and procedure governing the removal of items from facilities affected by work stoppages prescribe that principal reliance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement, provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall not undertake the mediation of such a dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

[C9, APP, Nov. 15, 1952] (R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53–1809; Filed, Feb. 25, 1953; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–32, Revocation]

M–32—CHEMICALS, LIMITATION FOR DO-RATED ORDERS

REVOCATION

NPA Order M–32, as amended August 20, 1951 (16 F. R. 8359), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–32, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect February 25, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53–1869; Filed, Feb. 25, 1953; 11:02 a. m.]

Chapter XIV—General Services Administration

[Regulation 4, Amdt. 2 to Revision 1]

REG. 4—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONT.

PRICE SCHEDULE

Pursuant to the authority vested in me by delegation from the Defense Materials Procurement Administrator, this regulation, as revised and amended, is further amended as follows:

1. Delete the words and figures "0.201 ounce to 0.25 ounce—pay for 60 percent at $30 per ounce", which constitute the last sentence under "Gold" appearing in setion 6 (c), and in lieu thereof substitute the following: "Over 0.201 ounce—pay for 60 percent at $30 per ounce."

2. Add a new paragraph to section 6 to be identified as subparagraph "(d)" to read as follows:

(d) No payment shall be made for manganese contained in the ore as silicates.

3. Delete the first sentence in the first paragraph of section 9 and in lieu thereof substitute the following: "The Government shall purchase, pursuant to the following schedule and the requirements of this regulation, as revised and amended, manganese oxide delivered either (1) f. o. b. railway cars, Philipsburg, Montana, or (2) f. o. b. Government depot, Butte, Montana."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment shall be effective as of the date hereof.

Dated: February 19, 1953.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 53–1847; Filed, Feb. 25, 1953; 8:56 a. m.]

[Revision 1]

MANGANESE REGULATIONS

DOMESTIC MANGANESE PURCHASE PROGRAM

This regulation is revised for the purpose of (1) redefining the meaning of the term "manganese ores and concentrates", and (2) modifying the chemical and physical requirements of acceptable lots. Changes have been made only in the provisions of sections 2 (h), 5 and 6. All other sections remain unchanged.

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of the Program.
4. Participation in the Program.
5. Specifications.
6. Price, premiums and penalties.
7. Deliveries and acceptance.
8. Sampling and analysis.
9. Transportation charges.
10. Weight.
11. Payment.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1951 Supp.; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR 1951 Supp.

SECTION 1. *Basis and purpose.* (a) The purpose of this regulation is to establish a Program to encourage expansion of domestic production of manganese by providing a uniform price scale for small domestic producers of metallurgical grade manganese ores and concentrates. Any small domestic producer whose total anticipated or actual production is less than 10,000 long dry tons per calendar year shall be eligible to participate under the provisions of this Program as hereinafter specifically set forth. Individuals or firms whose total production exceeds 10,000 long dry tons per year may negotiate with the Government for the purchase of their production.

(b) This regulation interprets and implements the authority of the Administrator of General Services, pursuant to delegation of authority from the Defense Materials Procurement Administrator of even date with this regulation, to purchase metallurgical grade manganese ores and concentrates, all of domestic origin, as authorized by the Defense Production Administration on May 9, 1952, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ores and concentrates for Government use and resale. In accordance with the Program set forth herein, the Administrator of General Services will buy domestically produced metallurgical grade manganese ores and concentrates conforming to the specifications, at the price, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* (a) "Administrator" means the Administrator of General Services.

(b) "Program" means the Program as set forth in the following paragraphs.

(c) "Shipping point" means the location at which the small domestic producer delivers material f. o. b. railroad cars.

(d) "Receiving point" means the location to which shipments shall be consigned.

(e) "Small domestic producer" means any individual or firm whose total anticipated or actual production of manganese ore or concentrates mined and milled in the continental United States annually is less than 10,000 long dry tons.

(f) The term "continental United States" means the forty-eight (48) States and the District of Columbia.

(g) "Long ton unit" means one percent of 2,240 pounds avoirdupois dry weight, or 22.4 pounds of metallic manganese contained in manganese oxide or manganese carbonate.

(h) "Manganese ores or concentrates" means natural or sintered oxide ores or concentrates or sintered carbonate ores or concentrates, as defined in section 5 of this regulation, and furnace slags, excluding battery and chemical grades and ores and concentrates containing manganese as manganese silicate in excess of 10 percent.

(i) "Lot" means that quantity of ore and concentrates offered at one time. It shall consist of one or more railroad carloads. Fractions of a carload may not be offered.

(j) "Carload" means the quantity (carried in one railroad car) equalling or exceeding the minimum tonnage which can be moved at the lowest transportation rate.

SEC. 3. *Duration of the Program.* The Program shall terminate and be of no further force or effect at the close of business June 30, 1956, or when deliveries under the Program total 19,000,000 long dry ton units of manganese, whichever occurs first.

SEC. 4. *Participation in the Program.* Any small domestic producer desiring to participate in the Program shall make application to the nearest General Services Administration regional office in the form of a letter, postcard, or telegram, postmarked or dated by the telegraph office on or before June 30, 1953, stating (a) that applicant has read this regulation and accepts its terms and conditions, and (b) that applicant desires to participate in this Program, and will offer manganese ore or concentrates to the Government pursuant thereto. Such notification must be signed and a return address given. Receipt of this application will be acknowledged by the regional office which may request such additional information as may be necessary and will issue to those who qualify hereunder a certificate authorizing the applicant to make shipments under the Program.

SEC. 5. *Specifications*—(a) *Chemical requirements.* All shipments must meet the following chemical analysis:

	By weight (dry basis) (percent)
Manganese (Mn)	40.0 minimum.
Iron (Fe)	16.0 maximum.
Phosphorus (P)	0.30 maximum.
Copper plus lead plus zinc (Cu plus Pb plus Zn), of which not more than 0.25 percent may be copper.	1.0 maximum.
Silica plus alumina (SiO_2 plus Al_2O_3).	[1].

[1] No maximum specified; however, material over 15 percent will be purchased in exceptional cases only.

(b) *Physical requirements.* Four types of material, according to physical characteristics, are covered by this specification. All offers shall stipulate the type covered and the following shall constitute the rejection limits of each type.

Type I—Lump ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Type II—Fine ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 15 percent shall pass a Tyler standard 20 mesh screen.

Type III—Nodules or sinter shall be natural fines, or concentrates, densely agglomerated by the application of heat. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Type IV—Slag shall be material which has been agglomerated by the application of heat above the point of fusion. Not more than 5 percent by weight shall pass a Tyler standard sieve mesh No. 20 or U. S. standard sieve No. 20.

Fine concentrates may be considered for acceptance under this Program through special arrangement with the appropriate regional office. In such case, appropriate adjustments may be made in price and other terms and conditions.

SEC. 6. *Price, premiums, and penalties.* (a) The price to be paid for any carload lot of material will be determined in accordance with the base price and the premiums and penalties stated hereinbelow. Prices herein stated are f. o. b. railroad cars at the participant's shipping point.

(b) The base price shall be $2.30 per long dry ton unit for material of the following analysis:

	Percent
Manganese (Mn)	48.0
Iron (Fe)	6.0
Phosphorus (P)	0.12
Silica plus alumina (SiO_2 plus Al_2O_3)	11.0

(c) For material which is superior or inferior to the above analysis, the following premiums and penalties shall be applied:

(1) Premiums: Manganese content above 48 percent (dry basis); ½ cent per unit for each 1 percent. Iron content below 6.0 percent (dry basis); ½ cent per unit for each 1 percent.

(2) Penalties: Manganese content below 48 percent (dry basis); 1 cent per unit for each 1 percent, down to and including 44.0 percent. Below 44.0 percent, 4 cents per unit plus 1½ cents per unit for each 1.0 percent down to and including 40 percent. Iron content above 6 percent (dry basis); 1 cent per unit for each 1.0 percent up to and including 8.0 percent. Above 8 percent; 2 cents per unit plus ¾ cent per unit for each 1.0 percent up to and including 16 percent. Silica plus alumina content above 11.0 percent (dry basis); 1 cent per unit for each 1.0 percent up to and including 15.0 percent. Above 15.0 percent, 4 cents per unit plus 2 cents per unit for each 1.0 percent up to and including 18.0 percent; 19.0 percent and above 10 cents per unit. Phosphorus content above 0.12 percent (dry basis); ⅓ cent per unit for each 0.01 percent up to and including 0.30 percent.

Ores and concentrates containing more than one (1) percent copper plus lead plus zinc (of which not more than 0.25 percent shall be copper) will not be accepted under this Program.

SEC. 7. *Deliveries and acceptance.* (a) Participant shall advise the nearest General Services Administration regional office at least twenty (20) days prior to an intended date of shipment of each lot, giving full information as to shipping point, tonnage and analysis of the lot. The regional office will inform the participant of the receiving point and consignee within fifteen (15) days of receipt of notice, and participant shall deliver the lot, at his expense, f. o. b. railroad cars at his designated shipping point, consigned in accordance with such instructions. Shipment must be in lots of one or more carloads. Fractional carloads will not be accepted. The lot will be weighed, sampled and analyzed at the receiving point, and the cost of weighing, sampling and analysis will be at the expense of the Government. Upon receipt of analysis, participant will be informed as to the acceptability of the lot.

(b) If the lot fails to meet the specifications herein provided, the participant will be held responsible for the removal of the lot from the unloading site. Upon failure to remove the lot within fifteen (15) days after due notice, the Government may, at its option, remove such lot and the cost of such removal shall be for participant's account, or otherwise dispose of such lot without liability therefor. Lots delivered to the Government based on inaccurate information wilfully furnished by the participant

may be the basis for terminating participation in the Program.

SEC. 8. *Sampling and analysis.* Each lot will be sampled at the time of unloading at the receiving point by a sampler designated by the Government. Three pulp samples will be prepared from the sample taken, one each for the Government, participant, and umpire, and an analysis made for manganese, iron, silica, and alumina, and, if necessary, for phosphorus, copper, lead and zinc. Usual provisions will be made for splitting limits and settlement by average of the Government's and participant's analyses, or by trade practice if samples are sent to umpire. Moisture samples will be taken in accordance with standard practice. The participant, at his own expense, may have a representative at the sampling.

SEC. 9. *Transportation charges.* Freight charges from shipping point to receiving point will be paid either by the Government or by its consignee. Participant shall be held accountable for freight charges and any other charges incurred by the Government with respect thereto on any lot failing to meet the specifications provided herein, and for any expense to the Government due to railway cars being loaded in excess of the maximum limit.

SEC. 10. *Weight.* The number of long dry tons in each lot shall be the net railroad-track-scale weight less moisture as determined by standard practice.

SEC. 11. *Payment.* Upon receipt by the appropriate regional office of applicable moisture and analysis determination and certified weight certificate with respect to each acceptable delivery under the terms of the program hereinabove stated, the participants shall be promptly paid for each such delivery in accordance with the price provisions of this program.

This revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: February 19, 1953.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 53-1848; Filed, Feb. 25, 1953; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 903]

[Docket No. AO 10-A17]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Melbourne Hotel, St. Louis, Missouri, beginning at 10:00 a. m., c. s. t., March 2, 1953, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the St. Louis, Missouri, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR 903 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area were proposed, as follows:

By Sanitary Milk Producers:

1. Delete § 903.7 and substitute therefor the following:

§ 903.7 *Producer.* A producer means any person who produces Grade A or Grade B raw milk under a dairy farm permit or rating issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, which milk is received at an approved plant or diverted from an approved plant by a cooperative association. This definition shall not include a person who produces milk which is received at the plant of a handler partially exempt from the provisions of this pact, pursuant to § 903.61 with respect to milk received by such handler.

2. Delete § 903.8, "City Plant," and substitute therefor the following:

§ 903.8 *City plant.* City plant means a plant where milk is received from producers or from a country plant and which packages milk, skim milk or cream, processed and disposed of as Class I milk in the marketing area, to wholesale or retail outlets, including plant stores.

3. Insert new section as follows:

§ 903.__ *Approved plant.* An approved plant is a plant at which milk is received from producers and which plant disposes of milk, skim milk, or cream in an amount of not less than 65 percent or more of the volume of milk received at such plant from producers during any month as Class I milk in the marketing area: *Provided,* That if such plant disposed of 65 percent or more of its receipts from producers during each of four months of the period July through December, such plant, upon application in writing to the market administrator before December 31 of such year, shall be allowed to retain the status as approved plant for the months of January through June.

4. Insert new section as follows:

§ 903.__ *Unapproved plant.* An unapproved plant would be any milk manufacturing, processing, bottling or distributing plant, other than an approved plant .

5. Delete the period at the end of § 903.10 and add the following: "Or a cooperative association of producers with respect to milk diverted by such cooperative, whether to an approved plant or an unapproved plant."

6. *Compensatory payments:* Add a provision requiring that an operator of an unapproved plant shall pay to the market administrator on any milk disposed of as Class I milk in the marketing area an amount calculated as follows:

Multiply the pounds of such milk by the Class I price adjusted by the Class I butterfat differential and subtract therefrom the amount of such milk multiplied by the Class II price adjusted by the Class II butterfat differential: *Provided,* That money so paid to the market administrator shall be distributed pro rata on the basis of the volume of milk received from producers to handlers for distribution to producers.

7. Delete § 903.45 (a) (2).

8. Delete that portion of § 903.43 (d) which precedes subparagraph (1) and substitute therefor the following:

(d) Skim milk and butterfat disposed of in bulk form as milk, skim milk or cream by transfer or diversion from a plant of a handler to any plant other than a plant of a handler or to a nonhandler shall be classified as Class I milk, unless:

9. Clarify the language of § 903.52 with respect to eligibility of Class I milk to receive the location differential credit and provide a maximum rate of deduction of 36 cents.

10. Delete § 903.51 (b) and substitute therefor the following:

(b) The price per hundredweight for Class II milk shall be computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling price (using the mid-point of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the U. S. Department of Agriculture, during the month;

(2) Multiply by 8.2 the weighted average of car lot prices per pound of spray process non-fat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as

published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents: *Provided,* That such prices shall not be less than the basic formula price during the months of September through February.

11. Amend § 903.53 (b) to provide that the factor used in determining the Class II butterfat differential shall be 1.12 during the months of March through August inclusive.

12. Make such further changes in the order as required to effectuate the purpose of the amendments here proposed.

By Producers Creamery Company of Cabool, Missouri:

13. Delete all of § 903.51 (b) and substitute in lieu thereof the following:

(b) *Class II Milk.* The price per hundredweight for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents: *Provided,* That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

14. Delete all of § 903.53 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* Multiply by 1.12 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

15. Delete all of § 903.84.

16. Amend the order to provide for a "market-wide" pool for the St. Louis marketing area in lieu of the "individual handler" pool as now effective, to-wit, to provide for the determination of the uniform price to be paid on the basis of a market-wide utilization rather than an individual handler utilization, and to provide for the establishment of a producer-settlement fund into which and out of which qualified pool plants will make or receive payments on the basis of each handler's utilization in relation to the market utilization.

17. Amend the order to provide that for a plant to become a qualified pool plant and to participate in the pool as contemplated by the establishment of a market-wide uniform price and to participate in the payments into and the distributions from the producer-settlement fund, such plant must meet certain performance requirements in lieu of the presently established health requirements. Said performance requirements should, in general, be that a plant must be either a city plant where milk is received from producers or from a country plant and from which packaged or processed milk, skim milk, or cream is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores, or if a plant does not meet the requirements of a city plant as hereinabove set forth, such plant may qualify as a country plant if it receives milk from producers and during at least four out of the five-month period September through January disposes of a given percentage of all its Grade A receipts to a city plant.

18. Redefine the definitions of producer, city plant, country plant, handler, non-handler, and other source milk, and add such definitions of pool plant and non-pool plant, and such further definitions, all as may be necessitated to effectuate the change from individual handler pool to a market-wide pool.

19. Make all conforming changes in the order necessitated by the change from an individual handler pool to a market-wide pool, and the establishment of performance requirements in order to be a qualified pool plant, including but not limiting the generality of the foregoing, such changes as may be necessary in the duties of the market administrator, the responsibility of handlers, and reclassification of milk, transfers, allocation of skim milk, and butterfat classified.

20. Provide that all plants now qualified as handlers under the terms of the present order would continue to be qualified as a pool plant from the effective date of any amendment to the order until disqualified.

By Square Deal Milk Producers Association of Illinois and Cooperative Milk Producers of Missouri:

21. That the emergency price increase in Order No. 3, effective September 1, 1952, should be continued through the month of March, 1953, so that it would be therein provided that for said month the Class I price differential or premium would not be less than $1.79 per hundredweight.

22. That § 903.51 (a) be amended to provide that the month of April be included in the delivery periods now provided for January, February and March so that as amended the month of April would receive the delivery period premium provided in the order of $1.15 per hundredweight.

23. That § 903.51 (a) of Order No. 3, as amended, be amended so that the delivery period premium for the months of May and June be 90 cents per hundredweight rather than 75 cents per hundredweight as now provided in said order.

By St. Louis Dairy Company:

24. Amend § 903.51 (a) by providing that July and December shall be removed from that group of delivery periods for which the highest amount is added to the basic formula price to obtain the Class I price, and be included in the group of delivery periods for which the medium amount is added to the basic formula price to obtain the Class I price.

25. Further amend § 903.51 (a) in the supply-demand adjustment provision by adding the months of July and December to the present group of January through March, and removing the months of July and December from the present group of July through December.

26. Amend § 903.51 (b) by adding the proviso: "*Provided,* That for the delivery periods of March through July the price for Class II milk shall be the price determined by § 903.50 (a) less 15 cents."

27. Amend § 903.53 (a) by deleting the first three words thereof "Multiply by 1.25," and replacing with the words "Multiply by 1.12."

28. Amend § 903.53 (b) by deleting the first three words thereof "Multiply by 1.2," and replacing with the words "Multiply by 1.12."

29. Amend § 903.81 by deleting the first three words after the colon, "Multiply by 1.2," and replacing with the words "Multiply by 1.12."

By Major Dairy Company:

30. That the market be changed from independent handler pool to market-wide pool.

31. That there should be some reduction in price of Class II milk during surplus months, particularly when such milk has to move to manufacturing plants for conversion into cheese, butter, dry milk solids, and canned evaporated milk.

32. That there should be some reduction in formula price for Class II butterfat over the 3.5 base when such butterfat has to move to butter manufacturing plants.

33. That if market-wide pool is adopted, that only handlers selling a certain percentage of their milk on the market be allowed to participate in the pool.

34. That if a handler qualifies for participation in the pool, he shall offer milk to other handlers on the market, in tank truck lots, at a price not to exceed the Class I price plus 50 cents per hundredweight handling charge, and plus Health Department fees and market administrator fees, before being allowed to export milk to other markets. Such charges on small sales in can lots or partial tank loads may be more .

35. To prevent dumping of milk during surplus months on the St. Louis market, that any handler not now a qualified handler on the St. Louis market, shall be required to sell milk on the market for at least one year before being allowed to participate in the pool benefits. Also, that he must also meet the requirements for percentage of milk sold on the market, Item 33, and shall offer such milk at prices in line with Item 34.

By Aro Dairy Company:

36. Amend the order to provide that cream received from other handlers in the ungraded portion of a plant and used for manufacturing purposes be classified as Class II.

By Adams Dairy Inc., Ashley Milk Co., Ozark Dairy Co., Prairie Farms Creamery, Raskas Dairy Co., and Valley Farm Dairy Co.:

37. Revision of Class II price.

38. Revision of butterfat differential on Class I and Class II.

39. Market-wide pool with qualifications.

40. Market administrator assessment to apply on Class I only.

By Pevely Dairy Company:

41. That consideration be given to amending Federal Order No. 3, as amended, so that a lower Class II price be determined in Federal Order No. 3, as amended.

42. That consideration be given to amending Federal Order No. 3, as amended, so that a lower butterfat differential be applied to Class II users of milk as determined in the order, as amended.

43. That consideration be given to amending Federal Order No. 3, as amended, so that the Federal milk market administrator's fees be based on Class I sales only.

44. That consideration be given to amending the order so that the Federal milk market administrator be required to publish the name of a handler, if any, and the volume of milk other than Grade A as having been priced for Class I sales to such handler, if any, in each delivery period when the use of such milk other than Grade A has been so determined.

45. That consideration be given to amending Federal Order No. 3, as amended, so that all imports from other Federal market areas be deducted from Class I usage before allocating the balance of Class I to local producer milk.

46. That consideration be given to further amending Federal Order No. 3, as amended, to so modify said order by making such additional changes as may be necessary to effectuate the above proposals.

By The Dairy Branch, Production and Marketing Administration:

47. Specify the number of decimal points to which class prices and butterfat differentials shall be carried.

48. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-1802; Filed, Feb. 25, 1953; 8:48 a. m.]

[7 CFR Part 921]

[Docket No. AO 222-A3]

HANDLING OF MILK IN SPRINGFIELD, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Colonial Hotel, Springfield, Missouri, beginning at 10:00 a. m., c. s. t., March 5, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Springfield, Missouri, marketing area, and to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area (7 CFR 921 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area were proposed, as follows:

By the Greene County Missouri Milk Producers Association:

1. Delete all of § 921.51 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents:

Provided, That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

2. Delete all of § 921.52 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* Multiply such prices as computed for the current delivery period by 0.112.

3. Amend § 921.44 (d) by deleting therefrom the words "the form of" and substitute in lieu thereof the words "bulk form as."

By the Producers Creamery Company of Springfield:

4. Delete all of § 921.51 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents;

Provided, That for each of the delivery periods of September through February, the Class II price shall be not less than the basic formula price.

5. Delete all of § 921.52 (b) and substitute in lieu thereof the following:

(b) *Class II milk.* Multiply such price as computed for the current delivery period by 0.112.

6. Amend § 921.44 (d) by deleting therefrom the words "the form of" and substitute in lieu thereof the words "bulk form as."

By the Patton Creamery Company:

7. In § 921.87 *Expense of administration* delete the last eight words of the last sentence of this section. This section would then read as follows:

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production).

By the Dairy Branch, Production and Marketing Administration:

8. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States De-

partment of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 53-1820; Filed, Feb. 25, 1953; 8:52 a. m.]

[7 CFR Part 976]

HANDLING OF MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Smith, Arkansas, on February 5, 1953, pursuant to notice thereof which was published in the FEDERAL REGISTER January 31, 1953 (18 F. R. 670).

The material issues of record related to:

1. A proposal that the price for Class II milk be decreased; and

2. The need for immediate action by the Secretary because of emergency conditions surrounding the marketing of producer milk not needed for Class I use.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. Emergency marketing conditions for milk used for manufacturing in the Fort Smith area make it necessary to alter the pricing provisions of the order. Evidence in the record indicates that under present conditions, much of the Class II milk cannot be marketed at prices which are comparable to the Class II price as now provided by the order. It is necessary therefore that lower prices be provided for milk in certain uses in order to provide a market for such milk and to maintain the orderly flow of milk from farms to plants.

Since the order has been in effect, the Class II price has been based on the average of the prices paid farmers by several milk manufacturing plants in the general area. It has been customary in the past several years for a number of the nearby milk manufacturing plants to accept excess milk from Fort Smith handlers and pay for it at a rate somewhat above the prices paid producers. Under this arrangement handlers have accepted and disposed of whatever producer milk was offered for sale. Fort Smith handlers have been dependent upon these outlets for milk since they have no manufacturing facilities in their own plants.

Recently however, most of the local manufacturing plants have discontinued purchasing any milk except that received directly from dairy farmers. Plants in the area which are accepting additional milk pay only the equivalent of prices paid their farmers, or less. This appears to be an abnormal condition brought on partly by an unseasonably high rate of milk production on the part of ungraded producers. The record indicates that receipts of ungraded milk are now as much as 70 percent above a year ago at some plants.

Because of the inability of handlers to obtain satisfactory prices for Class II milk and because they have no processing facilities of their own, they have been unwilling to accept any producer milk except that needed to maintain Class I operations.

Some producers' milk was refused by handlers during January. More has been refused in February as production has increased. Further increases in production during the next three or four months may be expected to result in additional refusals by handlers unless the Class II price is reduced, or unless marketing conditions for such milk change materially.

Producers in some instances have been required to keep their milk on the farm or to divert it to other plants where possible. Milk which has not been accepted from producer members of the Farm Bureau Milk Producers Association has been diverted by the association to manufacturing plants. Although diverted milk may be pooled with all milk under the order, producers of such milk or the cooperative which markets it will nevertheless receive a lower net rate of return on such milk than if it were accepted by the handlers at their plants. This results from the extra expense in hauling such milk to manufacturing plants. Furthermore, to the extent the price received for such milk by the cooperative is less than the Class II price, the cooperative must make up the difference or pay its members less than the uniform price provided under the order.

At the time of the hearing the cooperative was diverting approximately 15 thousand pounds of milk every other day to the Sugar Creek Creamery at Russellville, Arkansas. According to the testimony presented by the cooperative, the cost of hauling this milk to Russellville was expected to exceed the cost of hauling it to Fort Smith. Data provided indicate that this excess cost will amount to about 25 to 30 cents per hundredweight of milk diverted.

Not all outlets for excess milk have been equally affected by the emergency marketing conditions. Testimony and prices contained in the record indicate that plants making ice cream in the Fort Smith market are paying prices for milk and milk products which exceed those paid by plants in the area making cheese, evaporated milk, and butter. No reason was presented to indicate that the price for milk should be reduced on Class II products, such as ice cream and cottage cheese.

The manufacturing plants which ordinarily accept excess milk and which are now refusing to purchase such milk are for the most part those making butter, American type cheeses, and evaporated milk. It is concluded therefore that the order should provide a credit to the handler for butterfat used in the production of these products, and that the regular Class II price should not be altered with respect to other products.

The eligibility of milk transferred or diverted to unapproved plants for this credit should be considered to have been established if the operator of the unapproved plant permits the market administrator to verify that an equivalent amount of butterfat was used at the plant during the month in the production of butter, American type cheeses, or evaporated milk. Such credit should be allowed on the basis of 7 cents per pound of butterfat in the milk so utilized. Indications are that the average butterfat test for producer milk will be near 4.0 percent during the flush production season. This would mean therefore that an additional margin of about 28 cents per hundredweight of milk will be allowed on milk eligible for such credit. It is concluded that this change will permit milk to be diverted by the cooperative without undue loss, and also will encourage handlers to assume a larger share of the handling of Class II milk.

Changes in the net price charged under the order for milk used in making butter, American type cheeses, and evaporated milk will be dependent upon variations in the Class II pricing provisions of the order. Thus, if prices paid by local manufacturing plants decrease as milk production gains during the spring months, then the cost of milk subject to this credit will be correspondingly lower.

The reduction in handlers' obligations which result from the credit herein provided shall be reflected to producers during the base operating period first in blend prices for excess milk. No reduction should be made in the base price unless the quantity of butterfat which receives the credit exceeds that contained in excess milk. This will continue the practice of allocating the value of milk sold for manufacturing purposes to the excess milk and preserve first priority on Class I sales for base milk.

It is concluded that the emergency butterfat credit to handlers allowed under the amendment herein provided should be continued through the months of greatest production. Since data showing milk supplies are available only since September 1952, when the order became effective, the usual amounts of Class II milk to be expected during various months are not known. The record indicates that May is ordinarily the month of largest production. June is also a month of large production however, and it is concluded that the allowance herein provided should be continued through that month in order to facilitate the disposition of excess milk when such milk is likely to be in largest supply. The credit provided under this amendment is extended therefore through the month of June. This will carry through the months of greatest production and allow time for further

consideration of additional changes in the order if such are required.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to all proposals considered was indicated on the record by interested parties, who likewise waived the opportunity to file briefs on the record of the hearing.

General findings. (a) The tentative marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area in the manner set forth in the attached amending order, as amended, is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order shown below which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of February 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

§ 976.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 976.44 (f) change the period at the end thereof to a colon and add the following: *"Provided,* That if the market administrator is permitted to audit the records of receipts and utilization at any such unapproved plant, butterfat contained in such transfers or diversions may be deemed to have been used in the production of butter, American type cheeses or evaporated milk to the extent butterfat was used at such plant in the production of such products during the month."

2. In § 976.70 change the period at the end thereof to a colon and add the following: *"Provided,* That from the effective date hereof through June 1953, 7 cents shall be deducted from this sum for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 976.46, and which was used in the production of butter, American type cheeses or evaporated milk, or which was assigned to such products pursuant to § 976.44 (f)."

3. In § 976.72 (d) change the semicolon at the end thereof to a colon, and add the following: *"Provided,* That from the foregoing sum shall be subtracted an amount equal to the deductions made pursuant to the proviso in § 976.70 or 7 cents times the pounds of butterfat in excess milk, whichever is less;"

[F. R. Doc. 53-1821; Filed, Feb. 25, 1953; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

PROCEDURAL RULES GOVERNING LIQUIDATION OF HOP CONTROL BOARD

Notice is hereby given that the Department is considering issuance of the proposed administrative rule herein set forth pursuant to provisions of § 986.107 (c) of Marketing Agreement No. 107, as amended, and Order No. 86, as amended (17 F. R. 6626), regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, as well as pursuit to the order (17 F. R. 11772) terminating said program, effective July 1, 1953.

Prior to final issuance of this proposed administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

Said agreement and order, as amended, provide, in § 986.107 (c), that, upon termination of the regulation, the members of the Control Board then functioning shall continue as trustees for the purpose of liquidating the affairs of said Control Board and it further provides that the activities of the trustees shall be as prescribed by the Secretary. The termination order provides that proceedings after termination shall be in accordance with such supplementary instructions as may be issued by the Secretary prior to the effective time of termination.

Pursuant to the above stated provisions, the proposed administrative rule is as follows:

§ 986.404 *Procedural rules governing activities of the members of the Hop Control Board acting as trustees for the purpose of liquidating the affairs of the Hop Control Board*—(a) *Delegation of authority.* The general supervision and control of the trustees in connection with the taking of this liquidation action is hereby delegated to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., who is referred to hereafter as the "Director." The Director is empowered to make all necessary decisions, and to issue all necessary instructions to the said trustees, in regard to such liquidation action, consistent with the provisions hereof, except the final discharge of such trustees.

(b) *Selection and organization of the trustees.* In accordance with § 986.107 (c) of Marketing Agreement No. 107, as amended, and Marketing Order No. 86, as amended, the members of the Hop Control Board in office on December 23, 1952, shall act as trustees for the purpose of liquidating the affairs of the Board (including its subsidiaries, the Growers Allocation Committee, and the several Growers Advisory Committees), consistent with the continuance of this program in effect until July 1, 1953, and shall continue in that capacity until discharged by the Secretary: *Provided,* That such trustees may perform such liquidation actions through a committee selected by them from their membership, which committee shall act under the general supervision of, and, subject to the ratification of their actions by said trustees: *And provided further,* That such persons shall also continue to function in their present capacities as members of the Hop Control Board until July 1, 1953. Unless changed by subsequent action of the trustees, the chairman, vice-chairman, secretary, and treasurer who were serving in those capacities for the Board on December 23, 1952, shall serve in the same respective capacities under the trusteeship.

(c) *Compensation.* The several trustees shall serve without compensation, but shall be paid their reasonable expenses incurred in the performance of their duties hereunder.

(d) *Actions of trustees.* Actions of the trustees shall be taken by an affirmative vote of not less than ten members. The chairman of the Board may authorize voting by mail or telegraph: *Provided,* That due advance notice is given to all members, including complete information on each matter under consideration.

(e) *Maintenance of books and records.* The trustees shall keep books, and other appropriate records of their operations, which shall reflect clearly all of their acts and transactions as trustees, which books and other records shall be subject, at any time, to examination by the Director, or his designated representatives.

(f) *Expenses of liquidation.* Liquidation expenses shall be paid from assessment funds on hand, and the proceeds resulting from this liquidation, and shall include all necessary expenses, such as salaries, transportation, rent, cost of advertising and selling property, cost of mailing checks, audits, and cost of meetings of the trustees.

(g) *Collection of debts.* The trustees shall make every reasonable effort to collect all debts by June 30, 1953, and if there should remain outstanding as of that date any uncollected indebtedness, they shall submit promptly to the Director a detailed statement and recommendation with regard to each such situation for his consideration and instructions as to what further action should be taken.

(h) *Disposition of property.* The trustees shall dispose of all furniture, equipment, and supplies by sale at the most advantageous prices obtainable, except filing cabinets necessary to contain books and records to be retained permanently as authorized in paragraph (l) of this section. The funds derived from such sales shall be a part of the gross liquid assets.

(i) *Refunds to handlers.* When, in the opinion of the Director, liquidation action has been completed from the standpoint that all property has been sold, all collectible indebtedness due the Board has been collected, and all expenses incurred by the Board (including the costs of this liquidation action) have been paid, he shall direct the trustees to refund to handlers the net assets from this liquidation procedure plus any unused funds from assessments imposed for the 1952–53 marketing season. Said refund shall be made to the handlers who paid assessments for the 1952–53 marketing season, and shall be prorated among them in proportion to their respective assessment payments for that season. Insofar as practicable only one refund check shall be issued to each handler. A brief explanatory statement shall be sent with each check, indicating that it represents the handler's share in unused assessments for the 1952–53 marketing season and his equity in the net assets.

(j) *Disposition of funds not distributable to handlers.* Any unused assessment funds for marketing seasons prior to the 1952–53 marketing season which it has not been practicable to refund to handlers by reason of inability to locate them, or for any other reason, and any refunds due handlers pursuant to paragraph (i) of this section which it is not practicable to make by reason of inability to locate said handlers, or for any other reason, shall be remitted by the trustees to the Director in the form of a check payable to the Treasurer of the United States.

(k) *Audit.* The trustees shall cause the books and other records of the Hop Control Board, in connection with its operations under the aforementioned marketing agreement and order, to be audited by one or more competent accountants as of the close of business on June 30, 1953, and their own books and other records as trustees hereunder, as of the close of the liquidation period, as provided for in this section, and shall submit promptly to the Secretary at least two copies of each of such audit reports. The audit of the trustees' books and records shall set forth a complete financial accounting, and shall include among other things a statement of refunds to individual handlers, and an itemized statement of disposition of furniture, equipment, and supplies.

(l) *Disposition of books and records.* (i) A list of all records, with a brief description of each type, a statement of the cubic feet of file space that each type occupies, the number and size of filing cabinet drawers, and a recommendation as to the records which should be retained permanently, shall be submitted to the Director. Prior to completion of final liquidation, the Director shall designate the books and records to be retained.

(ii) Upon completion of the liquidation, the books and records which have been designated by the Director for permanent retention (together with the file cabinets or other containers thereof) of both the Hop Control Board and the trustees shall be delivered to the Director, or his designated representative, at such address as he may designate. The records not designated for permanent retention shall be disposed of by the trustees in accordance with instructions from the Director, and the manner and time of such disposition shall be reported to the Director.

(m) *Preservation of rights and liabilities.* With respect to violations, rights accrued, or liabilities incurred under the above mentioned marketing agreement, as amended, and order, as amended, up to the effective time of their termination (i. e. July 1, 1953), all provisions of said marketing agreement, as amended, and order, as amended, in effect prior to the effective time of such termination action, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit,

action, or other proceeding with regard to any such violation, right, or liability.

(n) *Report of liquidation.* This liquidation shall be completed, and a final report of the trustees in connection therewith shall be submitted to the Director, on or before August 1, 1953, unless such time is extended by the Director.

Done at Washington, D. C., this 20th day of February 1953.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-1826; Filed, Feb. 25, 1953; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES; FLIGHT TIME AND DUTY TIME LIMITATIONS

NOTICE OF PROPOSED RULE MAKING AND POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given that the Civil Aeronautics Board is proposing the adoption of an amendment to Part 61 of the Civil Air Regulations and is postponing the oral argument concerning flight time and duty time limitations scheduled for February 26, 1953, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by April 21, 1953. Copies of such communications will be available after April 23, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On December 23, 1952, the Board circulated Draft Release No. 52-34 and published as a notice of proposed rule making and oral argument in the FEDERAL REGISTER on December 31, 1952, giving notice that the Board would hear oral argument on February 26, 1953, on four designated points at issue concerning flight time and duty time limitations. Draft Release No. 52-34 also stated that persons desiring to participate in the oral argument should so indicate to the Board by January 26, 1953, with comment as to the views and arguments to be presented. No comment was received in response to this draft release. Meanwhile, the Air Transport Association and the Air Line Pilots Association have requested that the oral argument be postponed to permit these two parties to establish a working group to explore the problems in connection with the matters designated for oral argument. Two of the four points at issue involve amendments sponsored by the Air Transport Association and heretofore opposed by the Air Line Pilots Association which, if adopted by the Board, would relax certain current daily and weekly flight time limitations. A third point involves the 85 hour monthly flight time limitations set forth in section 401 (1) of the act and a construction thereof urged by the Air Line Pilots Association, which the Board has heretofore not followed and to which the carriers are opposed. The Board is of the opinion that under the circumstances the postponement of oral argument on these issues will benefit the public interest by permitting further cooperative exploration by the parties most directly concerned and the possibility of producing a sounder factual basis on which the Board can ultimately make its decision. In the meantime, of course, the current requirements will remain in effect.

The fourth point at issue, however, stands on a different basis. It involves the question of placing limitations on over-all duty time for air carrier flight crews, a provision not currently in the regulations. Since the Board is of the opinion that the imposition of some requirement of this nature may be necessary in the interest of safety in air commerce, it does not believe that an indefinite postponement of this issue is warranted. However, rather than hear oral argument on this issue alone, the Board considers it desirable to institute separate rule-making proceedings thereon.

In view of the foregoing, the Board hereby postpones sine die the hearing of oral argument presently scheduled for February 26, 1953, concerning flight time and duty time limitations and institutes separate rule-making proceedings concerning daily duty time limitations as contained herein.

Accordingly, it is proposed to amend Part 61 (proposed revision of Part 40) of the Civil Air Regulations by adding a new provision to the scheduled air carrier flight time limitations which will limit the scheduled duty time of flight crew members to a fixed number of hours in any 24 hour period. Consideration is being given to proposals by interested persons for duty time limitations ranging from 12 to 16 hours. The Board is considering the merits of adopting a scheduled daily duty time limitation of less than the 16 hour limitation currently being used by air carriers as a scheduled daily duty time limitation, in order to render more remote the probability that actual duty time will exceed 16 hours. The Board also has received a proposal that daily duty time limitations for flight engineers should not exceed 12 hours, irrespective of what limits may be established for pilots, because of the peculiar conditions under which flight engineers are required to serve. Comment is invited with respect to these views.

Proposals of interested persons also differ with respect to the manner of application of such daily duty time limitations. Some persons have recommended that the daily duty time limitations be applied only on a daily scheduled basis and that, if in any particular case the daily duty time limitations are exceeded, a subsequent rest period of not less than 16 hours shall be provided the flight crew members involved. Other interested persons, however, have proposed that the daily duty time limitations operate as an absolute maximum to be applicable on a "flight" basis (block to block) such that a pilot who has exceeded the daily duty time limitations would not be permitted to continue a scheduled trip beyond an en route stop.

Comment is requested, therefore, as to whether duty time limitations, if any, should operate solely as a limitation on daily scheduled time or whether there should be an absolute restriction and in either case what numerical value should be used. In the event duty time limitations are applied solely on a scheduled basis, comment is desired concerning a mandatory subsequent 16 hour rest period. In the event duty time limitations are treated as absolute limitations, comment is desired concerning a mandatory 8 hour rest period, if adequate rest facilities are provided at the airport, or 10 hours, if adequate rest facilities are not provided at the airport. Comment is also invited with regard to the desirability of considering deadhead time as on duty time and, if so, under what conditions.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule-making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: February 20, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-1812; Filed, Feb. 25, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 125; REDUCED

FEBRUARY 12, 1953.

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641) it is ordered as follows:

Departmental Order of April 27, 1939, withdrawing certain lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 S., R. 1 E., sec. 20, SW¼SW¼,

containing 40 acres.

The land is situated approximately 23 miles southeast of Engle, New Mexico, and is primarily suitable for grazing. The land will not be subject to occupancy or disposition under any nonmineral public land law until it has been classified. It is unlikely that it will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on the land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications of the land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 53–1795; Filed, Feb. 25, 1953; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5142]

BRANIFF AIRWAYS, INC.; FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF REASSIGNMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore indefinitely postponed, has been reassigned and will be held on March 12, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 20, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1813; Filed, Feb. 25, 1953; 8:51 a. m.]

[Docket No. 5827]

BRANIFF AIRWAYS, INC., AND UNITED AIR LINES, INC.; INTERCHANGE OF EQUIPMENT

NOTICE OF HEARING

In the matter of the joint application of Braniff Airways, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act, as amended, of an agreement relating to the interchange of equipment.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408, 412 and 1001 of the said act, that the above-entitled proceeding is assigned for hearing on March 16, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the joint application, particular attention will be directed to the following questions:

1. Does the agreement constitute a lease or contract to operate the properties, or any substantial part thereof, of an air carrier by another air carrier within the meaning of section 408 (a) (2) of the act?

2. If Board approval is required by section 408 (b) of the act, is the agreement consistent with the public interest with respect to any improvement in air transportation service to be provided by the interchange operation, the adverse effect, if any upon another air carrier, and the justness and reasonableness of the agreement as it relates to each party?

3. Will the agreement give the two air carrier parties such a degree of control over air transportation in the area covered by the agreement as to constitute a monopoly?

4. If the Board approves the agreement should it impose any terms and conditions to protect the public interest?

For further details of the issues involved in the proceeding interested persons are referred to the joint application and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before March 16, 1953, a statement setting forth such propositions of fact or law as he desires to advance, and such person may then appear and participate in the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., February 20, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1815; Filed, Feb. 25, 1953; 8:51 a. m.]

[Docket No. 5828]

CONTINENTAL AIR LINES, INC., AND UNITED AIR LINES, INC.; INTERCHANGE OF EQUIPMENT

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Continental Air Lines, Inc., and United Air Lines, Inc., for approval by the Civil Aeronautics Board under section 412 and, if such approval is deemed necessary, under section 408 of the Civil Aeronautics Act of an agreement relating to the interchange of equipment.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned for March 4, 1953, is postponed and will be held on March 10, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 20, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53–1814; Filed, Feb. 25, 1953; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6472]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SHORT-TERM PROMISSORY NOTE

FEBRUARY 19, 1953.

Notice is hereby given that on February 19, 1953, the Federal Power Commission issued its order entered February 18, 1953, authorizing issuance of short-term promissory note in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1799; Filed, Feb. 25, 1953; 8:47 a. m.]

[Docket No. G–1958]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 19, 1953.

Notice is hereby given that on February 18, 1953, the Federal Power Commission issued its order entered February 17, 1953, modifying order (17 F. R. 9151) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1800; Filed, Feb. 25, 1953; 8:47 a. m.]

[Docket Nos. G–1668, G–1828, G–1998, G–2026]

SOUTHERN UNION GAS CO. ET AL.

ORDER DENYING REQUESTS FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

FEBRUARY 17, 1953.

In the matters of Southern Union Gas Company, Docket No. G–1668; El Paso Natural Gas Company, Docket Nos. G–1828 and G–1998; West Texas Gas Company, Docket No. G–2026.

By its order issued November 23, 1951, the Commission consolidated proceedings at Docket Nos. G–1668 and G–1828, with those on West Texas Gas Company's (West Texas) application for a certificate of public convenience and necessity in Docket No. G–1831. Following hearing on January 16, 1952, further hearings on the consolidated proceedings were recessed subject to further order of the Commission. West Texas was later permitted to withdraw its Docket No. G–1831 application by the Commission's order issued January 31, 1952.

The proceedings in Docket No. G–1668 concern the construction and operation of facilities by Southern Union Gas Company (Southern Union) to permit the taking of increased volumes of gas from West Texas. The proceedings in Docket No. G–1828 concern a partial abandonment of service to West Texas by El Paso Natural Gas Company (El Paso).

On July 11, 1952, El Paso filed an application in Docket No. G–1998 and on November 5, 1952 a supplement thereto, for a certificate of public convenience and necessity authorizing it to acquire from West Texas and to operate certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

West Texas on August 7, 1952 filed at Docket No. G–2026 an application for permission to abandon by sale the facilities proposed to be purchased by El Paso, and to abandon service rendered by means of such facilities to Southern Union. A supplement to this application was filed on September 30, 1952.

Due notice of the filing of these applications has been given by publication in the FEDERAL REGISTER on July 31, 1952 (17 F. R. 7031), in the case of Docket No. G–1998 and on August 22, 1952 (17 F. R. 7710), in the case of Docket No. G–2026.

El Paso and West Texas have requested that their applications in Docket Nos. G–1998 and G–2026 respectively be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings. Intervention has been permitted Southern Union in these dockets by the Commission's orders issued September 16, 1952.

It appears that the above-entitled proceedings involve common questions of law and fact.

The Commission finds:

(1) Good cause has not been shown for granting El Paso and West Texas' requests that their applications in Docket Nos. G–1998 and G–2026 respectively be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

The Commission orders:

(A) El Paso and West Texas' requests that their applications in Docket Nos. G–1998 and G–2026 respectively be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same are hereby denied.

(B) The proceedings in Docket Nos. G–1668, G–1828, G–1998, and G–2026 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on March 19, 1953 at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters presented and the issues involved in the above dockets.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1796; Filed, Feb. 25, 1953; 8:45 a. m.]

[Docket No. G–2064]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 17, 1953.

On September 12, 1952, United Gas Pipe Line Company (Applicant) a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application and, on November 28, 1952, a supplement thereto, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 27, 1952 (17 F. R. 8638).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on March 9, 1953 at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–1797; Filed, Feb. 25, 1953; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

Subparagraph (g) is added to paragraph e 2 as follows:

(g) To prepare and sign a "Letter of Agreement to Cancel Advance Loan Notes" (Form PHA–2329) in connection with the exchange of Permanent Notes for Advance Notes at the time low-rent housing projects are permanently financed. The Chief of the Financing and Securities Section or the Chief of

the Securities and Investment Unit is also delegated this power.

Date approved: February 17, 1953.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 53-1798; Filed, Feb. 25, 1953; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 94]

CAMP McCOY, WISCONSIN, AREA

DECERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

FEBRUARY 25, 1953.

Upon review of specific data presented to the Secretary of Defense and the Director of Defense Mobilization, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as: Camp McCoy, Wisconsin, Area.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

C. E. WILSON,
Secretary of Defense.
ARTHUR S. FLEMMING,
Acting Director of Defense Mobilization.

[F. R. Doc. 53-1871; Filed, Feb. 25, 1953; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER RELEASING JURISDICTION WITH RESPECT TO PROPOSED BOARD OF DIRECTORS OF CRYSTAL CITY GAS COMPANY

FEBRUARY 18, 1953.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation, applicants, File No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies, respondents, File No. 59-91.

The Commission on December 15, 1952, having issued its supplemental findings and opinion and order (Holding Company Act Release No. 11600) approving an Amended Plan under section 11 (e) of the act providing for the liquidation and dissolution of Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, which plan provides, among other things, for the distribution to Penn Corp's stockholders of the common stock of Crystal City Gas Company ("Crystal City"), a gas utility company and an indirect subsidiary of Penn Corp;

Said Amended Plan having provided that Penn Corp would file with the Commission, prior to the consummation of said plan, the names, addresses and qualifications of the proposed Board of Directors of Crystal City to serve from the date of consummation of said plan;

The Commission's order of December 15, 1952, having reserved jurisdiction with respect to the selection and composition of the new Board of Directors of Crystal City;

Penn Corp., on February 13, 1953, having filed with the Commission the names, addresses and qualifications of the seven persons selected to serve as the new Board of Directors of Crystal City, as briefly summarized below:

J. Edward Barry, vice president and general manager, Crystal City Gas Co., Corning, N. Y.

George H. McNeely, Jr., vice president and treasurer, McNeely & Price Co., Philadelphia (leather manufacturers). Chairman of committee representing Class A stockholders of Penn Corp.

Thomas M. Searles, president, Equity Investment Co., Philadelphia (engaged in factoring business). Member of committee representing Class A stockholders of Penn Corp.

Robert Fleisher, treasurer and director, Modern Heat & Fuel Co., Philadelphia. Proposed by representatives of Penn Corp Class B common stockholders.

Wesley P. Patnode, employee of Townsend, Dabney & Tyson, Boston, Mass., brokers and investment bankers.

W. Frederick Spence, employee of Townsend, Dabney & Tyson, Boston, Mass.

Henning A. Johnson, vice president and treasurer, Waltham Grinding Wheel Co., Waltham, Mass.

Penn Corp having represented that the persons proposed as directors of Crystal City were selected from among 15 persons nominated for such office and that the selection was made after considering the business qualifications and connections of all candidates and their interests in the new common stock of Crystal City;

It appearing, among other things, that McNeely and Searles represent stockholders having substantial holdings of Penn Corp Class A stock which stockholders will receive stock of Crystal City after consummation of the said plan; that Patnode, Spence and Johnson have recently contracted to purchase and will own substantial amounts of Crystal City stock after consummation of said plan; and that Fleisher is a holder of Class B stock of Penn Corp and was suggested by representatives of stockholders having substantial holdings of Penn Corp Class B stock which stockholders will receive stock of Crystal City after consummation of the said plan;

The Commission having considered the proposed Board of Directors of Crystal City and finding that the Board as proposed conforms with the provisions of the said plan and the applicable provisions of the act and that no adverse action need be taken with respect to the proposed Board:

It is ordered, That the jurisdiction heretofore reserved with respect to the selection and composition of the new Board of Directors of Crystal City be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1804; Filed, Feb. 25, 1953; 8:48 a. m.]

[File No. 70-2921]

CENTRAL MAINE POWER CO.

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME FOR ISSUANCE AND SALE OF SHORT-TERM NOTES

FEBRUARY 19, 1953.

Central Maine Power Company, a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with regard to the proposed issuance and renewal, from time to time, up to and including March 1, 1953, of notes having a maturity of three months or less in the maximum amount of $11,000,000 at any one time outstanding (including notes then outstanding); and

The Commission, by its order dated September 19, 1952, having granted said application, subject to the terms and conditions contained in Rule U-24; and

Applicant having filed an application with the Commission to issue $10,000,000 principal amount of First and General Mortgage Bonds, Series U, the proceeds to be applied toward the payment of its short-term notes; and applicant having filed an amendment to its application regarding the issuance and renewal of said notes stating that the aforementioned transactions have been partially consummated (the amount of its short-term notes aggregated $9,000,000 as of January 27, 1953), and having requested that the Commission extend the period within which the transactions may be consummated up to and including April 1, 1953, or such earlier date as applicant shall have sold its bonds; and the Commission deeming it appropriate to grant such request:

It is ordered, That the period of time within which the aforesaid transactions may be consummated be, and it hereby is, extended up to and including April 1, 1953, or such earlier date as applicant shall have sold its proposed issue of Series U Bonds.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1806; Filed, Feb. 25, 1953; 8:49 a m.]

[File No. 70-2990]

ARLINGTON GAS LIGHT CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED NOTE ISSUES

FEBRUARY 19, 1953.

In the matter of Arlington Gas Light Company, Central Massachusetts Gas

Company, Gloucester Gas Light Company, Malden and Melrose Gas Light Company, Salem Gas Light Company; File No. 70–2990.

Notice is hereby given that declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by the above named companies hereinafter individually referred to as "Arlington", "Central Mass.", "Gloucester Gas", "Malden and Melrose" and "Salem Gas" and collectively referred to as the "borrowing companies", all public-utility subsidiary companies of New England Electric System, a registered holding company. The borrowing companies have designated sections 6 (a) and 7 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Under bank loan agreements, dated March 20, 1952, as amended, the borrowing companies have outstanding $6,690,000 principal amount of unsecured promissory notes, due April 1, 1953, and payable to the National City Bank of New York. Each borrowing company proposes to issue additional unsecured promissory notes to said bank under its bank loan agreement, as further amended. The amended loan agreements, among other things, extend the date on or before which the new notes may be issued to December 31, 1953, and provide that the new notes will mature March 1, 1954, and will bear interest at the same rate as the presently outstanding notes. The following table shows the principal amount of new notes to be issued and the interest rate thereof and the principal amount of presently outstanding notes:

Company	Notes to be issued		Notes outstanding
	Amount	Interest rate	
		Percent	
Arlington	$2,000,000	3¼	$1,785,000
Central Mass	700,000	3½	350,000
Gloucester Gas	700,000	3½	625,000
Malden and Melrose	3,000,000	3¼	2,760,000
Salem Gas	1,250,000	3¼	1,170,000
Total	7,650,000		6,690,000

Each borrowing company will use the proceeds derived from the issuance of new notes to pay and discharge its presently outstanding notes and the balance, if any, will be applied to the payment of construction expenditures and for other corporate purposes.

Each borrowing company proposes that if any permanent financing is done before the maturity of the proposed notes, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declarations state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $300 for each of the borrowing companies, or an aggregate of $1,500.

The declarations state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed note issues. Each of the borrowing companies requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than March 12, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1807; Filed, Feb. 25, 1953; 8:49 a. m.]

[File No. 70–3003]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING PROPOSED INCREASE OF AUTHORIZED PREFERRED STOCK

FEBRUARY 19, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company. The declarant has designated sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Delaware proposes to amend its certificate of incorporation so as to increase the number of its authorized shares of preferred stock from 200,000 to 300,000 shares. Such action is proposed to be taken by vote of its preferred and common stockholders at Delaware's annual meeting of stockholders to be held on April 21, 1953, and Delaware proposes to submit this proposal to its stockholders for their approval at that meeting.

Delaware presently has outstanding 190,000 shares of its cumulative preferred stock, having a par value of $100 per share. The presently outstanding stock consists of four series having respective dividend rates of 4 percent, 3.70 percent, 4.28 percent, and 4.56 percent. The Company represents that continuing demands for electric and gas service have required the adoption of a substantial construction program, and the Company anticipates that such construction program will require expenditures of approximately $35,000,000 during the next three years. The declaration represents that, while the Company does not presently have any definitive plans as to the issue and sale of additional preferred stock, it is contemplated that the construction program will be financed in substantial part by the sale of additional preferred and common stock and by the sale of mortgage bonds and unsecured temporary bank borrowings.

Notice is further given that any interested person may, not later than March 5, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 5, 1953, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1808; Filed, Feb. 25, 1953; 8:49 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 13]

REQUEST TO SMALL PLANTS ASSOCIATES OF PHILADELPHIA TO OPERATE AS SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Small Plants Associates of Philadelphia to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO SMALL PLANTS ASSOCIATES OF PHILADELPHIA

You are requested to operate as a small business production pool in accordance with the voluntary program, as set forth in the papers submitted to the Small Defense Plants Administration, Pooling Branch, Washington 25, D. C.

In my opinion, the operations of your association as a small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of the Small Plants Associates of Philadelphia which will operate as a small business production pool, in accordance with the voluntary program, as set forth in the papers submitted by it to the Small Defense Plants Administration, Pooling Branch, Washington 25, D. C.

In my opinion, your participation in the operations of this small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,
Administrator.

The Small Plants Associates of Philadelphia accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Boxco Manufacturing Co., Inc., 427 East Seventy-sixth Street, New York, N. Y.

Budge Manufacturing Co., Southeast corner Howard Street and Lehigh Avenue, Philadelphia, Pa.

Samuel Cowan & Sons, Inc., 414 North Third Street, Philadelphia, Pa.

Crescent Leather Goods Co., Lenni Mills, Pa.

Edward Freeman Co., 247 South Third Street, Philadelphia, Pa.

Gittis Luggage Co., 4041 Ridge Avenue, Philadelphia, Pa.

International Leather Goods Co., 314 North Thirteenth Street, Philadelphia, Pa.

M. M. Levinson & Co., 141 North Third Street, Philadelphia, Pa.

Rue Manufacturing Co., 1429 Melon Street, Philadelphia, Pa.

Rugged Luggage & Trunk Co., Inc., 109 Bruce Street, Newark, N. J.

Willow Leather Products, 39 Division Street, Newark, N. J.

The F. H. White Co., 40 North Sixth Street, Philadelphia, Pa.

United Luggage Co., Inc., 28–30 West Twenty-third Street, New York, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: February 20, 1953.

Y. BRYNILDSSEN,
Acting Administrator.

[F. R. Doc. 53–1872; Filed, Feb. 25, 1953; 11:32 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 185]

RAILWAY EXPRESS AGENCY, INC.

INCREASED EXPRESS RATES AND CHARGES, 1953

FEBRUARY 20, 1953.

By petition dated January 30, 1953, the Railway Express Agency, Incorporated, requests authority to increase and revise its express rates and charges and classification provisions. Appendix I as set forth below contains a summary of petitioner's proposals.

This proceeding has been assigned to Division 3 and by it to Commissioner James K. Knudson for administrative handling and to Examiner Burton Fuller for hearing. It is the desire of the Division and the Examiner that it be handled with dispatch and minimum expense to the parties and the Commission, consistent with proper hearing and disposition of the issues.

To meet the foregoing objectives, it has been found necessary to provide for only one hearing outside of Washington, namely, at the Congress Hotel, Chicago, Illinois, beginning at 9:30 a. m., U. S. standard time, on May 4, 1953, with the closing hearing at the offices of the Commission in Washington, D. C., beginning at 9:30 a. m., U. S. standard time, on May 18, 1953, with the special rules of practice set forth in Appendix II as set forth below, providing among other things, for verified statements by parties not desiring or unable to be present at the oral hearings. The Chicago hearing will be primarily for the presentation of petitioner's evidence in chief, cross examination of its witnesses by protestants, and for the presentation of evidence by protestants who desire to be heard at that session. The Washington hearing will be primarily for the presentation of further evidence by protestants and rebuttal by petitioner.

It is anticipated that a representative of the State Commissions will participate in this proceeding under the cooperative plan and that one or more members of Division 3 will sit in at the hearings from time to time as their engagements may permit.

Copies of this notice and appendices are being served upon petitioner, the Governors and regulatory bodies of the several States, and all parties to the prior proceeding, Ex Parte No. 177, Increased Express Rates and Charges, 1951, and upon the general public by depositing same in the office of the Secretary of the Commission at Washington, D. C., and by filing same with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

APPENDIX I

SUMMARY OF PETITIONER'S PROPOSALS

Petitioner proposes a new scale of First Class rates per 100 pounds for nationwide application, which are $1.04 or $1.05 higher than the current First Class rates. The difference between the increases of $1.04 and $1.05 is due to the disposition of fractions Second Class rates per 100 pounds are to be on the normal basis of 75 percent of First Class.

A new table of First Class graduated charges on shipments 1 to 99 pounds is proposed, computed by deducting $1.86 from the one-hundred-pound First Class rate, dividing the remainder by one hundred and multiplying the quotient by the weight of the package, and adding to the product the $1.86 originally deducted. Thus each package charge contains the fixed factor of $1.86. Where the charge so computed is less than the minimum charge of $2.30, the latter charge applies.

The proposed Second Class graduated charges are on the normal basis of 75 percent of the First Class charges, observing 75 percent of the ten pound First Class charge as a minimum but no charge to be less than the minimum charge of $2.30.

The proposed First and Second Class rates and charges are to supersede the present First and Second Class rates and charges including the present additional charge by 6 cents per shipment.

Petitioner also proposes to increase generally by 25 percent rates and charges on commodity rated traffic, valuation charges, c. o. d. service charges, storage charges, empty containers returned, Money Classification rates and charges, various merchandise classification rates and charges, including minimum charges, carload rates on fruits, vegetables and other perishable traffic, carload shipments subject to class rates, and international rates, charges and classification items between points in the United States and Canada, except carload rates on fruits, vegetables and other perishable traffic with a minimum of over 20,000 pounds, would be increased 15 percent.

A charge of not less than $2.30 per shipment will apply on any express shipment, except milk and cream and related commodities, daily newspapers, and human remains.

Notice of intention to produce testimony at the hearings. Persons who desire to be heard will facilitate necessary arrangements by promptly sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission on or before April 10, 1953, which shall state the number of witnesses, the approximate amount of time considered necessary for presentation of direct testimony, and whether they desire to be heard at Chicago or Washington.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the

affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should make available as early as possible during the hearing 15 copies for the Commission and 100 copies for other parties, including the applicants. Verified statements may be mailed, addressed to the Interstate Commerce Commission at Washington, D. C., so as to reach this Commission on or prior to the date of the hearing. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Such statements should conform to the rules of practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. Such statements of fact should include the name and location of the party represented, qualifications of the witness, the commodity or commodities, between what points shipped, average loading, value, and volume of movement by express for a representative period before and after the last increase, and movement by other forms of transportation. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Correspondence. Correspondence relative to this matter should be addressed to the Secretary of the Interstate Commerce Commission at Washington 25, D. C., with reference to the docket number, Ex Parte No. 185.

APPENDIX II

SPECIAL RULES OF PRACTICE

Protestants: Petitions of intervention unnecessary. Persons appearing in opposition to the petition herein, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should carefully be prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits, Rules 81 to 84, inclusive, of the general rules of practice should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible, exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 of the rules of practice. They should have sufficient copies thereof to supply opposing counsel, the representative of the State Commissions, the Examiner on the bench, and the official reporter.

Submission of evidence in chief in written form. The evidence in chief to be produced on behalf of the petitioner Railway Express Agency, Inc., shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing 25 copies on or before April 20, 1953, and a copy should be transmitted by express by petitioner to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioner, and also to each person who shall give notice on or before April 10, 1953, to the Commission of their intention to appear at the hearings as protestants.

[F. R. Doc. 53-1817; Filed, Feb. 25, 1953; 8:52 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 9, Amdt. 1]

ANN ARBOR RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 9 and good cause appearing therefor: *It is ordered,* That: Taylor's I. C. C. Order No. 9 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 25, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 25, 1953, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 19, 1953.

INTERSTATE COMMERCE COMMISSION
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-1818; Filed, Feb. 25, 1953; 8:52 a. m.]

ABOLISHMENT OF DISTRICT NO. 5, BUREAU OF MOTOR CARRIERS

REAPPORTIONMENT TO OTHER DISTRICTS

FEBRUARY 20, 1953.

The Interstate Commerce Commission announces that, effective March 1, 1953, District No. 5 of its Bureau of Motor Carriers will be abolished. The Virginia portion of the district will become a part of District No. 3, which has headquarters at Philadelphia, Pa. The area lying in the States of North Carolina and South Carolina will become part of District No. 6 with headquarters at Atlanta, Ga. Charlotte, N. C., which has been the headquarters of District No. 5 will become a District Supervisor's office.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1816; Filed, Feb. 25, 1953; 8:52 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 18 NUMBER 39

Washington, Friday, February 27, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3006

RED CROSS MONTH, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross, chartered by the Congress as a voluntary agency through which the people of this Nation may answer the call of their fellow Americans in distress, continues to face unprecedented peacetime demands upon its resources; and

WHEREAS the Red Cross, as a recognized auxiliary of our armed forces, must continue to meet the needs of servicemen, veterans, and their families for help with their problems, at home and overseas; and

WHEREAS the organization in the fiscal year 1951–1952 helped 32,000 disaster-stricken families with food, shelter, medical care, and rehabilitation, making its largest expenditure for disasters in more than a decade; and

WHEREAS the Red Cross, as an adjunct of the Federal Government, is training hundreds of thousands of Americans in health and safety skills so that they may protect themselves and their families in time of emergency; and

WHEREAS the Red Cross, as the national coordinating agency for the procurement of blood for defense, is collecting the vast quantities required for military and civilian use and, in addition, is expanding its program to make gamma globulin available for the prevention of paralysis from poliomyelitis; and

WHEREAS the Red Cross is appealing for $93,000,000 in voluntary contributions as the minimum amount required to help those in need of special assistance throughout the Nation in the year ahead:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1953 as Red Cross Month; and I urge every American to respond as generously as possible to the appeal for funds for this humanitarian cause.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of February in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-1898; Filed, Feb. 25, 1953; 5:09 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 7]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Maricopa County, in Arizona;
The State of California;
Hartford, Litchfield and New Haven Counties, in Connecticut;
De Kalb County, in Georgia;
Androscoggin, Cumberland, Kennebec and York Counties, in Maine;
City of Baltimore, in Maryland;

(Continued on p. 1129)

CONTENTS

THE PRESIDENT

Proclamation — Page
Red Cross Month — 1127

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation.

Animal Industry Bureau
Rules and regulations:
Hog cholera, swine plague, and other communicable swine diseases; changes in areas quarantined because of vesicular exanthema — 1127

Census Bureau
Proposed rule making:
Foreign trade statistics; confidential nature of shipper's export declaration; limitations on access to copies — 1139

Civil Aeronautics Board
Notices:
Air America enforcement proceeding; notice of re-assignment of date of hearing — 1143
Rules and regulations:
Airline transport pilot rating; additional provisions for converting horsepower ratings to type ratings on airline transport pilot certificates which expire May 1, 1953 — 1130

Commerce Department
See Census Bureau; International Trade, Office of; National Production Authority.

Commodity Credit Corporation
Notices:
Chairmen of county committees of certain States; appointment as contracting officers and delegation of authority with respect to production and harvesting of castor beans — 1141

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Power Commission
Proposed rule making:
Treatment of Federal income taxes as affected by accelerated amortization; notice of extension of time for filing comments — 1140

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 3 (full text of Proclamations and Executive Orders) ($1.75)

Previously announced: Titles 10–13 ($0.40); Title 17 ($0.35); Title 18 ($0.35); Title 49: Parts 71 to 90 ($0.45)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Reserve System — Page
Rules and regulations:
- Credit by brokers, dealers, and members of national securities exchanges; maximum loan value; margin required for short sales — 1129
- Loans by banks for the purpose of purchasing or carrying registered stocks; maximum loan value of stocks — 1129

Federal Trade Commission
Rules and regulations:
- Sunway Vitamin Co.; cease and desist order — 1130

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

CONTENTS—Continued

Interior Department — Page
See Land Management, Bureau of.

Internal Revenue Bureau
Rules and regulations:
- Income tax; taxable years beginning after December 31, 1941; head of household — 1135

International Trade, Office of
Notices:
- Hillard Corp. and Stanley Finkelman; order revoking and denying export privileges — 1142

Rules and regulations:
- Licensing policies and related special provisions; sulfur — 1132
- Positive list of commodities and related matters; miscellaneous amendments — 1132

Interstate Commerce Commission
Notices:
- Applications for relief:
  - Alcohol from certain points in Maryland, Pennsylvania, and New Jersey to Holston and Kingsport, Tenn — 1146
  - Caustic soda from Huntsville and Redstone Arsenal, Ala., to certain points in Alabama and Florida — 1146

Land Management, Bureau of
Notices:
- Nevada; air navigation site withdrawals Nos. 3, 10, 22, 45, and 103 reduced — 1141
- Townsite of Wallula, Wash.; sale of town lots — 1140

National Production Authority
Rules and regulations:
- Basic rules of the priorities system; restrictions upon use of ratings (Reg. 2, Dir. 3) — 1139
- Inventory control; selenium and aluminum scrap (Reg. 1) — 1139
- Selenium; revocation (M–91) — 1139

Price Stabilization, Office of
Notices:
- List of community ceiling price orders; certain regions — 1145

Rules and regulations:
- Exemptions and suspensions of certain:
  - Food and restaurant commodities; additional exemptions (GOR 7) — 1138
  - Industrial materials and manufactured goods; copper and aluminum (GOR 9) — 1138

Renegotiation Board
Rules and regulations:
- Military renegotiation under the 1948 act; procedure for renegotiation; miscellaneous amendments — 1134
- Renegotiation Board regulations under the 1951 act:
  - Agreement procedure — 1135
  - Clearance procedure — 1135

CONTENTS—Continued

Renegotiation Board—Con. — Page
Rules and regulations—Continued
- Renegotiation Board regulations under the 1951 act—Con.
  - Contracts that do not have a direct and immediate connection with the national defense; contracts when contractual provisions adequate to prevent excessive profits:
    - Mandatory exemptions from renegotiation (2 documents) — 1134
    - Permissive exemptions from renegotiation — 1134
  - Unilateral order procedure — 1135

Securities and Exchange Commission
Notices:
- Hearings, etc.:
  - Arkansas Natural Gas Corp. et al — 1143
  - Athol Gas Co. et al — 1144
  - Georgia Power Co — 1144
  - New England Electric System — 1143
  - Northern New England Co. and New England Public Service Co.; order approving plans — 1145

Rules and regulations:
- General rules and regulations under the Securities Exchange Act of 1934; reports of directors, officers, and principal stockholders — 1131

Treasury Department
See also Internal Revenue Bureau.
Notices:
- Foreign assets control; importation of certain merchandise directly from Hong Kong, Japan, and Taiwan — 1140

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter I (Proclamations):
- 3006 — 1127

Title 9
Chapter I:
- Part 76 — 1127

Title 12
Chapter II:
- Part 220 — 1129
- Part 221 — 1129

Title 14
Chapter I:
- Part 21 — 1130

Title 15
Chapter I:
- Part 30 (proposed) — 1139

Chapter III:
- Part 373 — 1132
- Part 399 — 1132

Title 16
Chapter I:
- Part 3 — 1130

CODIFICATION GUIDE—Con.

	Page
Title 17	
Chapter II:	
Part 240	1131
Title 18	
Chapter I (proposed)	1140
Title 26	
Chapter I:	
Part 29	1135
Title 32	
Chapter XIV:	
Part 1422	1134
Part 1453 (2 documents)	1134
Part 1455	1134
Part 1473	1135
Part 1474	1135
Part 1475	1135
Title 32A	
Chapter III (OPS):	
GOR 7	1138
GOR 9	1138
GOR 24 (see GOR 7)	1138
Chapter VI (NPA):	
M-91	1139
Reg. 1	1139
Reg. 2, Dir. 3	1139

Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth and Worcester Counties, in Massachusetts;

St. Clair, Genessee and Washtenaw Counties, in Michigan;

De Soto County, in Mississippi;

Jefferson County, in Missouri;

Bergen, Burlington, Camden, Gloucester, Hudson, Hunterdon, Middlesex, Morris and Ocean Counties, in New Jersey;

Albany and New York Counties and Clarkstown Township, in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Butler, Delaware, Lancaster, Lehigh and York Counties, in Pennsylvania;

Bristol, Kent and Providence Counties, in Rhode Island;

Pierce and Whatcom Counties, in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Essex and Union Counties, in New Jersey;

Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

De Kalb County, in Georgia;

St. Clair, Genessee and Washtenaw Counties, in Michigan;

Hunterdon County, in New Jersey;

Butler and Lancaster Counties, in Pennsylvania;

Kent County, in Rhode Island.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Linn and Multnomah Counties, in Oregon.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or apply sec. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 20th day of February 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-1844; Filed, Feb. 26, 1953; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE; MARGIN REQUIRED FOR SHORT SALES IN GENERAL ACCOUNTS

1. Effective February 20, 1953, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 50 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities) shall be 50 percent of the current market value of each such security.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary,

[F. R. Doc. 53-1860; Filed, Feb. 26, 1953; 8:51 a. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. Effective February 20, 1953, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 53-1859; Filed, Feb. 26, 1953; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 21-13]

PART 21—AIRLINE TRANSPORT PILOT RATING

ADDITIONAL PROVISIONS FOR CONVERTING HORSEPOWER RATINGS TO TYPE RATINGS ON AIRLINE TRANSPORT PILOT CERTIFICATES WHICH EXPIRE MAY 1, 1953

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1953.

On August 27, 1952, the Board adopted a new paragraph (e) to § 21.24 of Part 21 of the Civil Air Regulations providing that all airline transport pilot certificates showing horsepower ratings would expire on May 1, 1953. This provision however, provided that such valid certificates could be exchanged for new certificates with type ratings in lieu of the present horsepower ratings. This exchange would be permitted without a further showing of competency in those instances where the applicant either had passed an official rating test as prescribed by the Administrator in that type aircraft, or had served as pilot in command of that type aircraft for at least 10 hours since May 1, 1949.

In the administration of this provision, difficulty has been encountered in those instances where applicants are presently employed as copilots in air carrier operation and hold airlines transport pilot certificates with appropriate horsepower ratings. Although such applicants have received the required training and checkouts and in many cases the same 6-month check and training as given to pilots in command, their accumulated flying time or any portion thereof cannot be credited as pilot-in-command time and, as a result, they are unable to meet the 10-hour pilot-in-command time requirement for type ratings.

The Board has considered this problem and is of the opinion that for the purpose of converting horsepower ratings to type ratings in connection with the exchange of airline transport pilot certificates, the accomplishment of an appropriate pilot training program acceptable to the Administrator provides an equivalent level of safety to that provided by either the pilot-in-command or the official rating test provisions.

This amendment provides that in addition to those instances presently provided for in § 21.24 (e), the Administrator shall exchange present airline transport pilot certificates with horsepower ratings for new certificates with type ratings in those instances where the certificate holder presents reliable evidence showing that he has successfully accomplished, in that type aircraft, a pilot ground and flight training program acceptable to the Administrator.

The time remaining prior to the May 1, 1953, deadline for the exchange of certificates is relatively short. In order that this amendment effectively provide a remedy to the problem presently adversely affecting the administration of the exchange of airline transport pilot certificates, it is necessary that it become effective as soon as possible. For the foregoing reasons the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective immediately:

By amending paragraph (e) of § 21.24 to read as follows:

§ 21.24 *Duration.* * * *

(e) All airline transport pilot certificates showing horsepower ratings shall expire May 1, 1953. Upon application to the Administrator prior to May 1, 1953, such valid certificates may be exchanged, without further showing of competency, for new certificates with ratings coinciding with those held; except that in lieu of horsepower ratings, type ratings for aircraft exceeding 12,500 lbs. maximum certificated weight shall be issued upon presentation of reliable evidence that the certificate holder has:

(1) Passed an official rating test, as prescribed by the Administrator, in that type aircraft; or

(2) Successfully accomplished, in that type aircraft, a pilot ground and flight training program acceptable to the Administrator; or

(3) Served as pilot in command and sole manipulator of the controls of that type aircraft for at least 10 hours since May 1, 1949, and such aircraft was within his category, class, and horsepower ratings.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-1862; Filed, Feb. 26, 1953; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5224]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SUNWAY VITAMIN CO.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts;* § 3.260 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* I. In connection with the offering for sale, sale or distribution of Sunway Vitamin Capsules, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of respondent's preparation, which advertisements represent, directly or by implication, (a) that the use of said preparation is of any value in relieving or eliminating low resistance to disease, coughs or colds; (b) that the use of said preparation is of any value in relieving or eliminating nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, due to any cause other than a deficiency of Vitamin B_1, Vitamin B_2 or niacinamide; (c) that the use of said preparation as prescribed will be of value in relieving nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, caused by a deficiency of Vitamin B_2 or niacinamide, other than that it will tend to relieve said conditions, symptoms and disorders when due to a mild deficiency if taken regularly over a long period of time; (d) that the use of said preparation as prescribed is effective in relieving or substantially improving any condition, symptom or disorder arising from a substantial deficiency of any vitamin other than Vitamin B_1; (e) that said preparation contains all of the vitamins that are beneficial in promoting or maintaining good health in individuals; (f) that individuals generally require a fresh supply of vitamins daily in addition to those obtained from properly selected foods appropriately cooked; (g) that Vitamin B_6 (Pyriodoxin) is essential to nutrition or promotes restful sleep; (h) that Pantothenic acid is appropriately referred to as the "Acid of Life"; (i) that 45,000,000 Americans suffer perpetually from vitamin deficiencies; (j) that Vitamin B_2 is appropriately referred to as the "beauty vitamin"; or, (k) that said preparation is effective in minimizing the physical conditions resulting from overindulgence in alcoholic beverages; and, II., in connection with the offering for sale, sale or distribution in commerce, of said preparation, representing, directly or indirectly, that a supply of said preparation may be obtained by the payment of any sum of money, plus a few cents postage, unless at the same time it is clearly and conspicuously disclosed that the c. o. d. and insurance charges also must be paid; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified order to cease and desist, Harry H. and Ethel P. Heyman trading as Sunway Vitamin Company, Chicago, Ill., Docket 5224, December 1, 1952]

In the Matter of Harry H. Heyman and Ethel P. Heyman, Co-Partners Trading as Sunway Vitamin Company

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission and the answer of respondents, in which answer respondents admit all of the material allegations of fact set forth in said amended complaint and waive all intervening procedure and further hearings as to said facts, and the Commission, after having made its findings as to the facts and conclusion that said re-

spondents have violated the provisions of the Federal Trade Commission Act, having, on March 25, 1948, issued and subsequently served upon the sole surviving respondent, Ethel P. Heyman, said findings as to the facts, conclusion, and its order to cease and desist; and

This proceeding having been reopened and additional evidence having been received and the Commission, after reconsideration of this matter on the basis of the present record, having made its modified findings as to the facts[1] and its conclusion[1] that respondent Ethel P. Heyman, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent, Ethel P. Heyman, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of Sunway Vitamin Capsules, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the use of said preparation is of any value in relieving or eliminating low resistance to disease, coughs or colds.

(b) That the use of said preparation is of any value in relieving or eliminating nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, due to any cause other than a deficiency of Vitamin B_1, Vitamin B_2, or niacinamide.

(c) That the use of said preparation as prescribed will be of value in relieving nervousness, lack of energy, restless sleep, indigestion, aches and pains, loss of appetite, unhealthy skin and hair, dizzy spells and general poor health, caused by a deficiency of Vitamin B_2 or niacinamide, other than that it will tend to relieve said conditions, symptoms and disorders when due to a mild deficiency if taken regularly over a long period of time.

(d) That the use of said preparation as prescribed is effective in relieving or substantially improving any condition, sympton or disorder arising from a substantial deficiency of any vitamin other than Vitamin B_1.

(e) That said preparation contains all of the vitamins that are beneficial in promoting or maintaining good health in individuals.

(f) That individuals generally require a fresh supply of vitamins daily in addition to those obtained from properly selected foods appropriately cooked.

(g) That Vitamin B_6 (Pyriodoxin) is essential to nutrition or promotes restful sleep.

(h) That Pantothenic acid is appropriately referred to as the "Acid of life".

(i) That 45,000,000 Americans suffer perpetually from vitamin deficiencies.

(j) That Vitamin B_2 is appropriately referred to as the "beauty vitamin".

(k) That said preparation is effective in minimizing the physical conditions resulting from overindulgence in alcoholic beverages.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That respondent, Ethel P. Heyman, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, do forthwith cease and desist from representing, directly or indirectly, that a supply of said preparation may be obtained by the payment of any sum of money, plus a few cents postage, unless at the same time it is clearly and conspicuously disclosed that the c. o. d. and insurance charges also must be paid.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report, in writing setting forth in detail the manner and form in which she has complied with this order.

Issued: December 1, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-1861; Filed, Feb. 26, 1953; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

REPORTS OF DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS

Purpose of rules. On October 20, 1952, the Commission published notice that it had under consideration proposals for the adoption of two new rules, §§ 240.16a-8 and 240.16a-9 (Rules X-16A-8 and X-16A-9). It invited all interested persons to comment upon the proposals. The Commission has considered all comments and suggestions received and has determined that §§ 240.16a-8 and 240.16a-9, and a new rule, § 240.16a-10 (Rule X-16A-10), should be adopted in the forms set forth below.

The new rules clarify and describe the reporting requirements imposed by section 16 (a) of the Securities Exchange Act upon trusts and provide certain exemptions from the provisions of both section 16 (a) and section 16 (b). Rule X-16A-8 provides that any trustee who is an officer, director, or 10 percent stockholder of any company with any class of equity securities registered on a national securities exchange shall be required to file the reports specified by section 16 (a) of the Securities Exchange Act where either he or members of his immediate family have a vested interest in the income or corpus of the trust. It also provides that beneficiaries of trusts and settlors who have the power to revoke a trust without obtaining the consent of all the beneficiaries should also file the reports under some circumstances. Beneficiaries and settlors are exempted from section 16 (a) where less than 20 percent of the securities of the trust having a readily ascertainable market value consist of equity securities with respect to which a report would otherwise be required and when the trust transactions are entered into without their prior approval. The rule also requires the trustees of a trust holding 10 percent or more of any registered equity security to file reports. Beneficial owners of portfolio securities held by holding companies registered under the Public Utility Holding Company Act, investment companies registered under the Investment Company Act, business trusts with over twenty-five beneficiaries, and pension or retirement plans holding securities of an issuer whose employees generally are the beneficiaries of the plan, are also exempted from the provisions of section 16 (a).

Rule X-16A-9 provides an exemption for certain transactions in which the amounts involved are so small that there appears to be no public interest in requiring reports of the transactions when they occur.

Rules X-16A-8 and X-16A-9 are not to be construed as imposing any obligations or liabilities under section 16 (b). They are designed solely as interpretative and exemptive rules affecting section 16 (a). It is recognized that many reports are required by section 16 (a) of transactions which are not subject to section 16 (b) liability. On the other hand, section 16 (b) liability should not be predicated upon any transactions which are not subject to the reporting requirements of section 16 (a). To effectuate this purpose, Rule X-16A-10 is adopted to exempt from section 16 (b) those transactions which need not be reported pursuant to the requirements of section 16 (a) and the rules adopted thereunder.

Statutory basis. The new rules are adopted pursuant to the authority vested in the Commission by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b) and 23 (a).

Texts of rules. The texts of the rules hereby adopted are as follows:

§ 240.16a-8 *Ownership of securities held in trust.* (a) Beneficial ownership of a security for the purpose of section 16 (a) shall include:

(1) The ownership of securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust,

(2) The ownership of a vested beneficial interest in a trust, and

(3) The ownership of securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all the beneficiaries;

(b) Except as provided in paragraph (c) of this section, beneficial ownership of securities solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16 (a) where less than twenty percent in market value of the securities having a readily ascertainable market value held by such trust, determined as of the end of the preceding fiscal year of the trust, consists of equity securities with respect to which reports would otherwise be required. Exemption is likewise accorded from section 16 (a) with respect to any obligation which would otherwise be imposed solely by reason of ownership as settlor or beneficiary of securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subsection shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16 (a).

(c) In the event that ten percent of any class of any equity security (other than an exempted security) which is registered on a national securities exchange is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16 (a) of the act.

(d) Not more than one report need be filed to report any holdings or with respect to any transaction in securities held by a trust, regardless of the number of officers, directors or ten percent stockholders who are either trustees, settlors, or beneficiaries of a trust: *Provided,* That the report filed shall disclose the names of all trustees, settlors and beneficiaries who are officers, directors or ten percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(e) As used in this section the "immediate family" of a trustee means:

(1) A son or daughter of the trustee, or a descendant of either,

(2) A stepson or stepdaughter of the trustee;

(3) The father or mother of the trustee, or an ancestor of either,

(4) A stepfather or stepmother of the trustee,

(5) A spouse of the trustee.

For the purpose of determining whether any of the foregoing relations exist, a legally adopted child of a person shall be considered a child of such person by blood.

(f) In determining, for the purposes of § 240.16a–1, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of any listed equity security, the interest of such person in the remainder of a trust shall be excluded from the computation.

(g) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16 (a) with respect to his indirect interest in portfolio securities held by

(1) Any holding company registered under the Public Utility Holding Company Act,

(2) Any investment company registered under the Investment Company Act,

(3) A pension or retirement plan holding securities of an issuer whose employees generally are the beneficiaries of the plan,

(4) A business trust with over 25 beneficiaries.

(h) Nothing in this section shall be deemed to impose any duties or liabilities with respect to reporting any transactions or holding prior to its effective date.

§ 240.16a–9 *Exemption for small transactions.* (a) Any acquisition of securities shall be exempt from section 16 (a) where:

(1) The person effecting the acquisition does not within six months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and

(2) The person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any six months period during which the acquisition occurs.

(b) Any acquisition or disposition of securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six months period, shall be exempt from section 16 (a) and may be excluded from the computations prescribed in paragraph (a) (2) of this section.

(c) Any person exempted by paragraphs (a) or (b) of this section shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each six months period or portion thereof which has elapsed since his last filing.

§ 240.16a–10 *Exemption from section 16 (b) of transactions which need not be reported under section 16 (a).* Any transaction which has been or shall be exempted by the Commission from the requirements of section 16 (a) shall, in so far as it is otherwise subject to the provisions of section 16 (b), be likewise exempted from section 16 (b).

The foregoing rules shall become effective March 30, 1953.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interpret or apply secs. 3, 16, 48 Stat. 882, 896; 15 U. S. C. 78c, 78p)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 20, 1953.

[F. R. Doc. 53–1831; Filed, Feb. 26, 1953; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 33 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SULFUR

Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

The entry for "Sulfur, crushed, ground, refined, sublimed and flowers", Schedule B No. 571500, is amended by deleting therefrom the word "crushed", and the related submission dates for the Second Quarter 1953 are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter 1953
571500	Sulfur, ground, refined, sublimed and flowers.	Mar. 1–Mar. 31, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 19, 1953.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53–1858; Filed, Feb. 26, 1953; 8:51 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 31 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Construction materials:
	Sash, sections, and frames, door and window:
618985	Brass and bronze (report iron and steel in 618983).
	Construction materials, n. e. c.:
618988	Brass and bronze construction materials, n. c. c.[1]
	Venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.:
618993	Brass and bronze (report steel venetian blinds and parts in 618991).

[1] By this amendment, the entry presently on the Positive List under Schedule B No. 618988 is revised to read as follows: "Other metals, except all copper-armored building paper, and brass and bronze construction materials (specify by name and type of metal) (report iron and steel construction materials, n. e. c. in 618986)."

[1] This amendment was published in Current Export Bulletin No. 695, dated February 19, 1953.

This part of the amendment shall become effective as of 12:01 a. m., February 19, 1953.

2. The following commodities are made subject to the IC/DV procedure (see § 373.34 of this subchapter). Accordingly the letter "A" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
707815	Radio and television apparatus: Television picture receiving tubes (cathode ray), having short-image life phosphor, types P-1 and P-4 (specify by type number).

This part of the amendment shall become effective as of April 6, 1953.

3. The following commodities are made subject to the dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter). Accordingly the letter "B" is inserted in the column headed "Commodity Lists" opposite those commodities:

Dept. of Commerce Schedule B No.	Commodity
	Metal salts of organic compounds, except paint and varnish driers (specify by name):
839750	Nickel salts of organic compounds.
	Other industrial chemicals:
839900	Nickel compounds.

This part of the amendment shall become effective as of March 21, 1953.

4. The processing codes set forth opposite the commodity entries listed below are amended by the addition of the following related commodity group numbers:

Dept. of Commerce Schedule B No.	Commodity	Processing code and related commodity group No.
	Steam engines and turbines, n. e. c., and parts, n. e. c.:	
711310	Steam turbines	GIEQ 9
711510	Combustion gas turbine engines, except aircraft (see § 370.5 of this subchapter)	GIEQ 10
711900	Parts, n. e. c., specially fabricated for steam turbines, 300 horsepower and over	GIEQ 9
711900	Parts, n. e. c., specially fabricated for combustion gas turbine engines, except aircraft (specify by name) (see § 370.5 of this subchapter).	GIEQ 10
	Textile machinery:	
750800	Spinning and twisting machinery, rayon yarn (report filament spinning machinery and and spinerettes for synthetic fibers in 750850).	GIEQ 11
750850	Rayon filament extrusion and spinning machines; and spinning pumps	GIEQ 12
750850	Other rayon filament and band forming machinery, and parrts, except spinnerettes	GIEQ 11
750850	Spinerettes for yarns of 150 denier and greater	GIEQ 12
	Food and beverage processing machines, and parts:	
	Cannery machines, and specially fabricated parts, n. e. c.:	
761250	Piping specially fabricated for cannery machines, and made of or lined with any corrosiou-resistant material as defined in the "General Notes to Appendix A."	GIEQ 21
	Vegetable-oil mill machines, and specially fabricated parts, n. e. c.:	
761600	Piping specially fabricated for vegetable-oil mill machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	GIEQ 21
	Food-processing machinery, and parts, n. e. c.:	
761950	Piping specially fabricated for food and beverage processing machines, n. e. c., and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	GIEQ 21
	Controls, regulators, indicators, meters, and timers, n. e. c., and specially fabricated parts, n. e. c., for commercial and domestic central and space heating, ventilating, air conditioning and air cooling equipment (specify by name):	
766950	Temperature regulators, electric	GIEQ 6
766950	Temperature regulators, except electric; and specially fabricated parts	GIEQ 6
766950	Thermometers, bimetallic and glass remote bulb; and specially fabricated parts	GIEQ 6
766950	Controls, regulators, indicators, meters, and timers, for ventilating, air conditioning, commercial refrigeration and air cooling equipment; and specially fabricated parts, n. e. c.	GIEQ 6
	Industrial process indicating (measuring) recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name):	
766970	Gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter).	GIEQ 7
766970	Parts specially fabricated for gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter).	GIEQ 7
766970	Optical pyrometers	GIEQ 7
766970	Radiation pyrometers	GIEQ 7
766970	Thermocouples manufactured from platinum or platinum alloys	GIEQ 7
766970	Vacuum gauges, ionization types, for laboratory use	GIEQ 8
766970	Vacuum measuring gauges, for laboratory use, and specially fabricated parts	GIEQ 8
766970	Other indicating, recording, or controlling instruments for pressure, flow, temperature, humidity, or gas analysis, for laboratory use; and specially fabricated parts.	GIEQ 13
766970	Other industrial indicating, recording, or controlling instruments for pressure, flow, temperature, humidity, or gas analysis; and specially fabricated parts, n. e. c.	GIEQ 13
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:	
766990	Diamond penetrators (see §§ 373.1, 373.9 of this subchapter)	GIEQ 7
766990	Dynamometers: hydraulic, electric, and torsion types and specially fabricated parts	GIEQ 7
766990	Leak-detecting instruments, for laboratory use; and specially fabricated parts	GIEQ 7
766990	Leak-detecting instruments, for industrial use	GIEQ 7
766990	Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales), and specially fabricated parts and accessories, n. e. c. (see §§ 373.1, 373.9 of this subchapter).	GIEQ 7
770790	Electric precipitators, for air and gas cleaning and purification; and specially fabricated parts.	GIEQ 18
771120	Jet ejectors, under 4 stages, and specially fabricated parts, n. e. c. (specify type)	GIEQ 22
771120	Jet ejectors, 4 stages and over, and specially fabricated parts, n. e. c. (specify type)	GIEQ 22
771140	Condensers, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (report air-conditioning and refrigeration condensers, compressors, and heat-transfer equipment in 764601–764910; heat exchangers in 771200).	GIEQ 22
	Pipe valves, except automatic control or regulating:	
	Iron or steel:	
774450	Valves and cocks (regardless of pressure) with pressure parts wholly fabricated of, or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify whether bellows seal, and indicate that pressure parts are corrosion-resistant).	GIEQ 5
774450	Valves designed for working pressures of 300 or more p. s. i. g. (specify pressure, whether bellows seal, and indicate that pressure parts are not corrosion-resistant).	GIEQ 5
	Brass, bronze, or other nonferrous metals:	
774465	Valves and cocks (regardless of pressure) with pressure parts wholly fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify whether bellows seal, and indicate that pressure parts are corrosion-resistant).	GIEQ 5
774465	Valves designed for working pressures of 300 or more p. s. i. g. (specify pressure, whether bellows seal, and indicate that pressure parts are not corrosion-resistant).	GIEQ 5
	Nonmetal valves:	
774480	Nonmetal valves and cocks (specify material and whether bellows seal)	GIEQ 5
	Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation):	
774490	Automatic control valves except (a) check, nonreturn and float valves, (b) pressure relief valves designed for working pressures of less than 300 pounds per square inch, and (c) automatic valves specifically designed for milking machines or for household refrigerators and home freezers (specify whether pressure parts are made of or wholly lined with corrosion-resistant material as defined in the "General Notes to Appendix A").	GIEQ 5
775002	Extrusion, injection, and other molding machines for plastics (specify by name)	GIEQ 16
775004	Parts, n. e. c., specially fabricated for extrusion, injection, and other molding machines for plastics.	GIEQ 16
775030	Vacuum-tube (glass blank) making machinery (report other vacuum-tube manufacturing machinery in 775035).	GIEQ 17
775035	Electronic, fluorescent and incandescent bulb and tube (lamp) manufacturing and assembling machines, and specially fabricated parts, n. e. c. (report bulb and tube glass blank making machines in 775030).	GIEQ 17
	Mixing machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):	
775310	Colloid mills	GIEQ 20
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):	
775360	Centrifuge bowls, stainless steel	GIEQ 2
775360	Centrifuges, electric, stainless steel, solid-bowl types	GIEQ 2
775360	Electrostatic precipitators, for blowing and ventilating machinery, and specially fabricated parts, n. e. c.	GIEQ 18
775360	Electrostatic precipitators, except for blowing and ventilating machinery, and specially fabricated parts, n. e. c.	GIEQ 18
775360	Electrostatic separators having a voltage of more than 1,000 volts across the air gap and specially fabricated parts, n. e. c.	GIEQ 18
775360	Solvent-recovery machinery for vegetable-oil mills; and specially fabricated parts, n. e. c.	GIEQ 1
	Crushing, pulverizing and screening machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report construction and mining types in 720310–720410):	
775380	Crushers and grinders and specially fabricated parts	GIEQ 20

This part of the amendment shall become effective as of February 19, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 53-1857; Filed, Feb. 26, 1953; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Regulations Under the 1948 Act

PART 1422—PROCEDURE FOR RENEGOTIATION

MISCELLANEOUS AMENDMENTS

1. Section 1422.252 *Determination by Regional Board* is amended by deleting § 1422.252–1 in its entirety and inserting in lieu thereof the following:

§ 1422.252–1 *Class A cases.* When a Regional Board determines in a Class A case that the contractor has not realized excessive profits for the fiscal year under review, the Regional Board will notify the Board of the Regional Board's determination and submit a report of the case to the Board. The Regional Board will notify the contractor of the action taken by the Regional Board. Upon receipt of notification from a Regional Board of the determination of such Regional Board that the contractor has not realized excessive profits, the Board will consider the case and notify the Regional Board either that it is in accord with the determination or that it has not satisfied itself that the determination is correct. In the former event, the Regional Board will embody its determination in a clearance. In the latter event, the Board will direct the Regional Board to advise the contractor that a different determination may be made. In such case, the Board, in its discretion, will either direct the Regional Board to conduct further proceedings in the matter or reassign the case to the Board. In the latter event, the applicable procedure will be that set forth in § 1422.244.

2. Section 1422.253 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1422.253 *Determination by Board.* When a case is transferred to the Board pursuant to § 1422.244 and the Board determines that the contractor did not realize excessive profits for the fiscal year under review, the Board will embody its determination in a clearance, except that if the contractor has previously executed a clearance agreement and the Board approves such agreement, the Board will authorize the Regional Board to execute such agreement on behalf of the Government.

3. Section 1422.263 *Determination by Regional Board* is amended by deleting § 1422.263–1 in its entirety and inserting in lieu thereof the following:

§ 1422.263–1 *Class A cases.* In a Class A case, after the contractor has returned the agreement properly executed to the Regional Board, the Regional Board will submit the agreement and a report of the case to the Board. The Board will consider the case and notify the Regional Board either that it is in accord with the determination or that it has not satisfied itself that the determination is correct. In the former event, the Board will authorize the Regional Board to execute the agreement on behalf of the Government. In the latter event, the Board will direct the Regional Board to advise the contractor that the Board is not in accord with the Regional Board's determination and that a different determination may be made. In such case, the Board, in its discretion, will either direct the Regional Board to conduct further proceedings in the matter or reassign the case to the Board. In the latter event, the applicable procedure will be that set forth in § 1422.244.

4. Section 1422.264 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1422.264 *Determination by Board.* When a case is transferred to the Board pursuant to § 1422.244 and the Board determines that the contractor has realized excessive profits for the fiscal year under review, the Board will endeavor to make an agreement with the contractor for the refund of such excessive profits. If the Board determines that the contractor has realized excessive profits in the same amount as that determined by the Regional Board and if the contractor has executed an agreement for the refund of the amount so determined to be excessive profits, the Board will authorize the Regional Board to execute the agreement on behalf of the Government.

5. Section 1422.272 *Determination by Regional Board* is amended by deleting § 1422.272–1 in its entirety and inserting in lieu thereof the following:

§ 1422.272–1 *Class A cases.* When a Regional Board determines in a Class A case that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount so determined to be excessive profits, the Regional Board will notify the Board of such determination and submit a report of the case to the Board. The Board will thereafter cause the case to be reassigned to the Board for further proceedings, unless the Board is of the opinion that further meetings between the Regional Board and the contractor might result in an agreement between them. In the latter event the Board will direct the Regional Board to conduct further proceedings in the matter. When the Board causes the case to be reassigned to the Board, the applicable procedure will be that set forth in § 1422.244.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: February 20, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-1853; Filed, Feb. 26, 1953; 8:49 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

CONTRACTS THAT DO NOT HAVE A DIRECT AND IMMEDIATE CONNECTION WITH THE NATIONAL DEFENSE

Correction

In F. R. Doc. 53-1212, appearing at page 751 of the issue for Thursday, February 5, 1953, the following changes should be made in § 1453.5 (b) (16):

1. The last sentence should read: "New projects having as part of their purposes the increase of power facilities for defense may be added to the list if authorized and approved."

2. In List A, the items under the Missouri River Basin project should read as follows:

Missouri River Basin project:
Angostura unit---------- South Dakota.
Boysen unit---------- Wyoming.
Canyon Ferry unit------- Montana.
Kortes unit---------- Wyoming.
Missouri diversion unit--- Montana.
Transmission division.

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

CONTRACTS THAT DO NOT HAVE DIRECT AND IMMEDIATE CONNECTION WITH NATIONAL DEFENSE; CONTRACTS WHEN CONTRACTUAL PROVISIONS ADEQUATE TO PREVENT EXCESSIVE PROFITS

1. Section 1453.5 (b) is amended by deleting subparagraph (14) in its entirety and inserting in lieu thereof the following:

(14) *Tennessee Valley Authority.* All contracts of the Tennessee Valley Authority for administrative equipment, supplies, or services; and all other contracts of said Authority except contracts entered into after June 30, 1950, for (i) construction (including design and engineering services) or operation of hydro or steam electric generating projects; electric power substations, switchyards, transmission lines, and appurtenant facilities; and chemical production projects; and (ii) materials and equipment (including construction equipment) to be incorporated or consumed directly in the construction, maintenance or operation of any of the foregoing projects or facilities.

2. Section 1455.4 *Contracts when contractual provisions adequate to prevent excessive profits* is amended by deleting paragraphs (b), (c) and (d) in their entirety and inserting in lieu thereof the following:

(b) *Exemptions.* Pursuant to the foregoing authority, the Board has exempted from renegotiation the following:

(1) *Maritime Administration.* All operating differential subsidy contracts of the Maritime Administration which are let under authority of 46 U. S. C. 1171, 1173, as amended, whenever such contracts contain or incorporate by refer-

ence or are subject to the redetermination and recapture provisions of 46 U. S. C. 1176. This exemption applies only to receipts and accruals derived from the United States in the form of subsidy payments. It does not exempt renegotiable receipts or accruals otherwise derived, including payments by shippers for freight charges.

(2) *Defense Minerals Exploration Administration.* All exploration project contracts entered into by the Defense Minerals Exploration Administration of the Department of Interior, pursuant to delegation from the Defense Materials Procurement Administration, under the authority of section 303 of the Defense Production Act of 1950, as amended, 50 U. S. C. App. 2093, and Defense Minerals Exploration Administration Order No. 1 (17 F. R. 2090).

(c) *Exemption of individual prime contracts and subcontracts.* The Board will exempt an individual prime contract or subcontract, or performance thereunder during a specified period or periods if, in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits. The Board will make such an exemption only after it has received from the agency entering into the prime contract sought to be exempted, or the prime contract to which the subcontract sought to be exempted relates, a request for the exemption of such prime contract or subcontract and information which would support the conclusion that the provisions of the prime contract or subcontract are otherwise adequate to prevent excessive profits. Accordingly, prime contractors or subcontractors who believe that their prime contracts or subcontracts should be exempted under this provision should address requests to the agencies entering into the prime contracts involved.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: February 20, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-1855; Filed, Feb. 26, 1953; 8:50 a. m.]

PART 1473—CLEARANCE PROCEDURE

PART 1474—AGREEMENT PROCEDURE

PART 1475—UNILATERAL ORDER PROCEDURE

MISCELLANEOUS AMENDMENTS

1. Section 1473.2 *Determination by Regional Board* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Class A cases.* When a Regional Board determines in a Class A case that the contractor has not realized excessive profits for the fiscal year under review, the Regional Board will notify the Board of the Regional Board's determination and submit a report of the case to the Board. The Regional Board will notify the contractor of the action taken by the Regional Board. Upon receipt of notification from a Regional Board of the determination of such Regional Board that the contractor has not realized excessive profits, the Board will consider the case and notify the Regional Board either that it is in accord with the determination or that it has not satisfied itself that the determination is correct. In the former event, the Regional Board will embody its determination in a clearance. In the latter event, the Board will direct the Regional Board to advise the contractor that a different determination may be made. In such case, the Board, in its discretion, will either direct the Regional Board to conduct further proceedings in the matter or reassign the case to the Board. In the latter event, the applicable procedure will be that set forth in § 1472.4 of this subchapter.

2. Section 1473.3 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1473.3 *Determination by Board.* When a case is transferred to the Board pursuant to § 1472.4 of this subchapter and the Board determines that the contractor did not realize excessive profits for the fiscal year under review, the Board will embody its determination in a clearance, except that if the contractor has previously executed a clearance agreement and the Board approves such agreement, the Board will authorize the Regional Board to execute such agreement on behalf of the Government.

3. Section 1474.3 *Determination by Regional Board* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Class A cases.* In a Class A case, after the contractor has returned the agreement properly executed to the Regional Board, the Regional Board will submit the agreement and a report of the case to the Board. The Board will consider the case and notify the Regional Board either that it is in accord with the determination or that it has not satisfied itself that the determination is correct. In the former event, the Board will authorize the Regional Board to execute the agreement on behalf of the Government. In the latter event, the Board will direct the Regional Board to advise the contractor that the Board is not in accord with the Regional Board's determination and that a different determination may be made. In such case, the Board, in its discretion, will either direct the Regional Board to conduct further proceedings in the matter or reassign the case to the Board. In the latter event, the applicable procedure will be that set forth in § 1472.4 of this subchapter.

4. Section 1474.4 *Determination by Board* is deleted in its entirety and the following is inserted in lieu thereof:

§ 1474.4 *Determination by Board.* When a case is transferred to the Board pursuant to § 1472.4 of this subchapter and the Board determines that the contractor has realized excessive profits for the fiscal year under review, the Board will endeavor to make an agreement with the contractor for the refund of such excessive profits. If the Board determines that the contractor has realized excessive profits in the same amount as that determined by the Regional Board and if the contractor has excuted an agreement for the refund of the amount so determined to be excessive profits, the Board will authorize the Regional Board to execute the agreement on behalf of the Government.

5. Section 1475.3 *Determination by Regional Board* is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) *Class A cases.* When a Regional Board determines in a Class A case that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount so determined to be excessive profits, the Regional Board will notify the Board of such determination and submit a report of the case to the Board. The Board will thereafter cause the case to be reassigned to the Board for further proceedings, unless the Board is of the opinion that further meetings between the Regional Board and the contractor might result in an agreement between them. In the latter event the Board will direct the Regional Board to conduct further proceedings in the matter. When the Board causes the case to be reassigned to the Board, the applicable procedure will be that set forth in § 1472.4 of this subchapter.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: February 20, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-1854; Filed, Feb. 26, 1953; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5993; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

HEAD OF HOUSEHOLD

On November 15, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10462) conforming Regulations 111 (26 CFR Part 29) to sections 301 and 310 of the Revenue Act of 1951, approved October 20, 1951. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.12-1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Surtax in case of head of household.* Section 12 (c) is hereby amended to read as follows:

(c) *Rates of surtax—Head of household—*(1) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31,

1951, and before January 1, 1954, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual who is the head of a household the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	19.2% of the surtax net income.
Over $2,000 but not over $4,000	$384, plus 20.4% of excess over $2,000.
Over $4,000 but not over $6,000	$792, plus 24% of excess over $4,000.
Over $6,000 but not over $8,000	$1,272, plus 26% of excess over $6,000.
Over $8,000 but not over $10,000	$1,792, plus 31% of excess over $8,000.
Over $10,000 but not over $12,000	$2,412, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$3,052, plus 38% of excess over $12,000.
Over $14,000 but not over $16,000	$3,812, plus 41% of excess over $14,000.
Over $16,000 but not over $18,000	$4,632, plus 44% of excess over $16,000.
Over $18,000 but not over $20,000	$5,512, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,412, plus 49% of excess over $20,000.
Over $22,000 but not over $24,000	$7,392, plus 51% of excess over $22,000.
Over $24,000 but not over $28,000	$8,412, plus 54% of excess over $24,000.
Over $28,000 but not over $32,000	$10,572, plus 57% of excess over $28,000.
Over $32,000 but not over $38,000	$12,852, plus 60% of excess over $32,000.
Over $38,000 but not over $44,000	$16,452, plus 63% of excess over $38,000.
Over $44,000 but not over $50,000	$20,232, plus 68% of excess over $44,000.
Over $50,000 but not over $60,000	$24,312, plus 69% of excess over $50,000.
Over $60,000 but not over $70,000	$31,212, plus 70% of excess over $60,000.
Over $70,000 but not over $80,000	$38,212, plus 74% of excess over $70,000.
Over $80,000 but not over $90,000	$45,612, plus 76% of excess over $80,000.
Over $90,000 but not over $100,000	$53,212, plus 78% of excess over $90,000.
Over $100,000 but not over $150,000	$61,012, plus 82% of excess over $100,000.
Over $150,000 but not over $200,000	$102,012, plus 85% of excess over $150,000.
Over $200,000 but not over $300,000	$144,512, plus 88% of excess over $200,000.
Over $300,000	$232,512, plus 89% of excess over $300,000.

(2) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual who is the head of a household the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	17% of the surtax net income.
Over $2,000 but not over $4,000	$340, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$700, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,120, plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,580, plus 27% of excess over $8,000.
Over $10,000 but not over $12,000	$2,120, plus 29% of excess over $10,000.
Over $12,000 but not over $14,000	$2,700, plus 33% of excess over $12,000.
Over $14,000 but not over $16,000	$3,360, plus 36% of excess over $14,000.
Over $16,000 but not over $18,000	$4,080, plus 39% of excess over $16,000.
Over $18,000 but not over $20,000	$4,860, plus 40% of excess over $18,000.
Over $20,000 but not over $22,000	$5,660, plus 44% of excess over $20,000.
Over $22,000 but not over $24,000	$6,540, plus 46% of excess over $22,000.
Over $24,000 but not over $28,000	$7,460, plus 49% of excess over $24,000.
Over $28,000 but not over $32,000	$9,420, plus 51% of excess over $28,000.
Over $32,000 but not over $38,000	$11,460, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$14,760, plus 59% of excess over $38,000.
Over $44,000 but not over $50,000	$18,300, plus 63% of excess over $44,000.
Over $50,000 but not over $60,000	$22,080, plus 65% of excess over $50,000.
Over $60,000 but not over $70,000	$28,580, plus 68% of excess over $60,000.
Over $70,000 but not over $80,000	$35,380, plus 71% of excess over $70,000.
Over $80,000 but not over $90,000	$42,480, plus 73% of excess over $80,000.
Over $90,000 but not over $100,000	$49,780, plus 77% of excess over $90,000.
Over $100,000 but not over $150,000	$57,480, plus 80% of excess over $100,000.
Over $150,000 but not over $200,000	$97,480, plus 84% of excess over $150,000.
Over $200,000 but not over $300,000	$139,480, plus 87% of excess over $200,000.
Over $300,000	$226,480, plus 88% of excess over $300,000.

(3) *Definition of head of household.* For the purposes of this chapter, an individual shall be considered, a head of a household if, and only if, such individual is not married at the close of his taxable year and maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of:

(A) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to an exemption for the taxable year for such person under section 25 (b); or

(B) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to an exemption for the taxable year for such person under section 25 (b).

An individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(4) *Determination of status.* For the purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

(5) *Nonresident alien.* For the purposes of this chapter a taxpayer shall in no case be considered a head of a household if at any time during the taxable year he is a nonresident alien.

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

PAR. 2. Section 29.12–2, as amended by Treasury Decision 5944, approved November 10, 1952, is amended further by adding at the end thereof the following: "For tax treatment of head of household for taxable years beginning after October 31, 1951, see § 29.12–5."

PAR. 3. There is inserted immediately after § 29.12–4 the following new section:

§ 29.12–5 *Surtax in case of head of household*—(a) *General rule.* For taxable years beginning after October 31, 1951, an individual who is the head of a household under the rules prescribed in section 12 (c) is subject to the surtax imposed by that section instead of the surtax imposed by section 12 (b) (2) and section 12 (b) (3).

(b) *Definition of head of household.* (1) For the purpose of section 12 (c), the taxpayer shall be considered the head of a household if, and only if, he is not married at the close of his taxable year and maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of at least one of the individuals specified in section 12 (c) (3) (A) or provided for in section 12 (c) (3) (B). Under no circumstances shall the same individual be used to qualify more than one taxpayer as the head of a household in the same taxable year.

(2) Section 12 (c) (3) (A) specifies that any of the following persons may be used to qualify the taxpayer as the head of a household: A son, stepson, daughter, stepdaughter, or a descendant of a son or daughter of the taxpayer. If, however, such person is married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person only if the taxpayer is entitled to an exemption for his taxable year under section 25 (b) for such person, that is, only if such person has a gross income of less than $600 for the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year, and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. For example, if such person is an unmarried son of the taxpayer, the taxpayer is not deprived of his status as the head of a household because the son has income in excess of $600 for the calendar year in which the taxable year of the taxpayer begins; if, however, such son is married at the close of the taxable year of the taxpayer, the taxpayer still may qualify as the head of a household, but only if the gross income of the son is less than $600 for the calendar year in which the taxable year of the taxpayer begins and the other con-

ditions for allowance of the dependency credit under section 25 (b) are met.

(3) Section 12 (c) (3) (B) provides that a person for whom the taxpayer is entitled to an exemption under section 25 (b) for the taxable year may be used to qualify the taxpayer as the head of a household. Section 25 (b) provides that the taxpayer may be entitled to an exemption for any of the following persons:

(i) His brother, sister, stepbrother or stepsister;

(ii) His father or mother, or an ancestor of either;

(iii) His stepfather or stepmother;

(iv) A son or a daughter of his brother or sister;

(v) A brother or sister of his father or mother; or

(vi) His son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law;

if such person has a gross income of less than $600 for the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. For example, an unmarried taxpayer who maintains a home for himself and his widowed mother may not qualify as the head of a household by reason of his maintenance of a home for his mother if his mother has income of $600 or more in the calendar year in which the taxable year of the taxpayer begins, or if he does not furnish more than one-half of the support of his mother for such calendar year.

(4) For the purposes of this section, a taxpayer shall be considered as not married if at the close of his taxable year he is legally separated from his spouse under a decree of divorce or separate maintenance, or if at any time during the taxable year the spouse to whom the taxpayer is married at the close of his taxable year was a nonresident alien. A taxpayer shall be considered married at the close of his taxable year if his spouse (other than a spouse who is a nonresident alien) dies during such year.

(c) *Household.* Section 12 (c) is applicable only where the household actually constitutes the home of the taxpayer for his taxable year and also constitutes the principal place of abode of at least one other person specified in section 12 (c) (3) (A) or provided for by section 12 (c) (3) (B) for such taxable year, without regard to the fact that the physical location of such household may have changed during such taxable year. It is not sufficient that the taxpayer maintain the household without being its occupant. The taxpayer and such other person must occupy the household for the entire taxable year of the taxpayer. They will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which a child or stepchild is absent for less than six months in the taxable year of the taxpayer, shall be considered a temporary absence due to special circumstances. Such absence will not prevent the taxpayer from qualifying as the head of a household if (1) it is reasonable to assume that the taxpayer or such other person will return to the household, and (2) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return. The taxpayer will not be deprived of the benefits of section 12 (c) because such other person dies during the taxable year of the taxpayer if the household constitutes the principal place of abode of such other person during that part of such taxable year preceding death.

(d) *Cost of maintaining a household.* The taxpayer shall be considered as maintaining a household only if he pays more than one-half the cost thereof for his taxable year. The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants for such taxable year. Such expenses include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. The cost of maintaining a household shall not include expenses otherwise incurred. Thus, such cost does not include expenses incurred for clothing, education, medical treatment, vacations, life insurance, and transportation. In addition, the cost of maintaining a household shall not include any amount which represents the value of services rendered in the household by the taxpaper or by a person specified in section 12 (c) (3) (A) or provided for by section 12 (c) (3) (B).

PAR. 4. There is inserted immediately preceding § 29.25–1 the following:

SEC. 310. GROSS INCOME OF DEPENDENT OF TAXPAYER (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Increase in amount of gross income permitted.* Section 25 (b) (1) (D) (relating to exemptions for dependents of taxpayer) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 5. Section 29.25–3, as amended by Treasury Decision 5893, approved April 4, 1952, is amended further as follows:

(A) By striking "as amended by the Revenue Act of 1948" from the first sentence of paragraph (d) (1); and

(B) By striking "$500," from the first sentence of paragraph (d) (5), relating to exemption for dependents whose gross income is less than a certain figure, and inserting in lieu thereof the following: "$600 ($500 for a calendar year beginning after December 31, 1947, and before January 1, 1951),".

PAR. 6. There is inserted immediately preceding § 29.51–1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Computation of tax by collector.* (1) Section 51 (f) (1) (relating to tax computed by collector in case of wage earners) is hereby amended by adding at the end thereof the following: "In the case of a head of a household electing the benefits of this subsection, the tax shall be computed by the collector under Supplement T without regard to the taxpayer's status as head of a household."

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

PAR. 7. Section 29.51–2 (c), as added by Treasury Decision 5649, approved August 25, 1948, is amended by adding immediately after subparagraph (3), thereof, the following new subparagraph:

(4) *Head of household.* In the case of a head of a household electing to make his return on Form 1040A in accordance with the rules prescribed in this section, the tax shall be computed under Supplement T without regard to the status of the taxpayer as the head of a household.

PAR. 8. There is inserted immediately preceding § 29.402–1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Computation of tax by collector.* * * *

(2) Section 402 (relating to effect of election to pay the tax imposed by Supplement T) is hereby amended by adding at the end thereof the following: "In the case of a head of a household electing to have his tax computed by the collector pursuant to the provisions of section 51 (f), the tax imposed by section 400 shall be computed without regard to the status of the taxpayer as a head of a household."

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

PAR. 9. Section 29.402–1, as amended by Treasury Decision 5965, approved December 22, 1952, is further amended by adding at the end of paragraph (b) thereof, the following: "In the case of a head of household electing to make his return on Form 1040A, see § 29.51–2 (c) (4)."

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 18, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53–1828; Filed, Feb. 26, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 7, Revision 1, Amdt. 22]

GOR 7—Exemptions and Suspensions of Certain Food and Restaurant Commodities

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this Amendment 22 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Pursuant to the President's policy calling for orderly termination of the price control program, this amendment exempts from price control the following additional items sold within the continental United States.

All dry groceries, formerly controlled at the retail level by Ceiling Price Regulations 15 and 16, except coffee and coffee concentrates. Among the items affected are baby foods; cereals; cocoa; chocolate and cereal drink preparations; flour; gelatin; jams, jellies and preserves; peanut butter; macaroni and spaghetti; soups; tea; and vinegar.

In addition, all tobacco products and all confectionery and confectionery mixes, including candies and nuts, are exempt.

Finally, this amendment revokes community pricing of dry groceries.

In view of the special nature and basis of this amendment, consultation with industry representatives, including trade association representatives, was impracticable and unnecessary. In the judgment of the Director, this amendment complies with the applicable provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Section 2 (k) is amended to read as follows:

(k) *Tobacco products.* All tobacco products, including cigarettes, cigars, snuff, and smoking and chewing tobacco.

2. Section 2 is amended by the addition of new paragraphs to read as follows:

(q) *Dry groceries.* All sales (including sales by procesors) in the Continental United States of all commodities, regardless of size and whether sold in bulk or in container, formerly controlled by the Ceiling Price Regulations 14, 15 and 16, except coffee and coffee concentrates.

(r) *Confectionery.* All confectionery and confectionery mixes, including candies, nuts, and all fountain-type fruits, syrups and toppings, regardless of type or size of container.

3. Section 4 is amended by the addition of new paragraph (e) to read as follows:

(e) *General overriding regulations.* General Overriding Regulation 24 and all orders issued pursuant thereto.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective February 25, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 25, 1953.

[F. R. Doc. 53-1899; Filed, Feb. 25, 1953; 5:11 p. m.]

[General Overriding Regulation 9, Amdt. 42]

GOR 9—Exemptions of Certain Industrial Materials and Manufactured Goods

COPPER AND ALUMINUM

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 is a further action under the directive of the President of the United States that the present price control program be terminated in an orderly manner.

This amendment exempts from price control primary copper and aluminum; aluminum mill products (including powder and paste), brass mill products; copper wire mill products; copper powder; copper and aluminum screen cloth; mechanical precision springs, metal stampings, and screw machine products; and bolts, nuts, screws and rivets. It also exempts copper and aluminum ores and concentrates.

Amendment 40 to GOR 9, effective February 12, 1953, exempted from price control, among other things, copper and aluminum scrap and secondary metals. Although it was anticipated that such action would increase the flow of copper scrap and alleviate to some extent the difficult supply situation which has arisen with respect to that metal without too serious an impact upon price levels, it now appears that this objective has not been achieved. Brass mills which ordinarily obtain a substantial portion of their raw materials in the form of scrap say that they cannot, because of the ceiling prices retained on their products, pay the increased prices for such material and consequently their supply has been reduced to the point where their continued production is threatened. Since brass mill products are important in the national defense effort, any reduction in output would have a serious impact on the defense effort. Furthermore, the differential which has arisen in the price for primary refined copper and secondary refined copper since decontrol of the latter has created some confusion in the market and a consequent reduction in the flow of vitally needed metal. In order to avoid hardship and further disruption, certain products for which primary copper, brass mill products, copper wire mill products are a principal raw material, are also included in this action.

Primary aluminum has been exempted from price control in order to alleviate any confusion which may have resulted from the earlier decontrol of secondary aluminum, and aluminum mill products are included to prevent hardship and any interruption in the flow of needed materials.

In view of the special nature and basis of this amendment, consultation with industry representatives was impracticable and unnecesary.

AMENDATORY PROVISIONS

Section 2 (a) of General Overriding Regulation 9 is amended by the addition of the following:

(74) *Sales of primary aluminum and copper and certain aluminum and copper products.* Sales of the following products:

Alumina and bauxite.
Primary aluminum and aluminum alloy ingot, pig and other shapes.
Aluminum mill products including plates, sheet, foil, wire, cable (including AGSR), rods, bars, extrusions, tubing, pipe, roofing and siding, etc.
Aluminum powder and paste.
Copper ores, concentrates, blister and matte.
Primary refined copper in all shapes.
Copper powder.
Brass mill products.
Copper wire mill products.
Screen cloth including insect, hardware, strainer, fourdrinier and all other woven wire products made from copper or aluminum.

(75) *Sales of mechanical precision springs, metal stampings and screw machine products.* A "mechanical precision spring" is an elastic metallic contrivance designed for a specific mechanical purpose to support or react against applied pressure, lead or distortion which is manufactured to definitely specified physical requirements of spring temper materials or annealed materials subsequently heat-treated for purpose of obtaining precise metallurgical structure. The term includes volute flat, coil, spiral and formed wire springs; but does not include leaf, vehicle suspension, screen door, bed or upholstery springs or standard all-purpose or dual purpose springs usually sold through retail channels.

"Metal stampings" are stamped or pressed metal products which are mechanically processed by the use of dies and upon which further finishing operations may or may not have been performed when sold unassembled. A stamping may consist of two or more stamped pieces which have been permanently joined by methods such as branding, riveting, soldering or welding.

"Screw machine products" are any component parts upon which the manufacturing process is initiated on a hand operated or automatic screw machine.

The manufacturer may also perform finishing, or secondary operations such as drilling, grinding, chamfering, heat treating, plating, etc.

(76) *Sales of bolts, nuts, screws and rivets made from ferrous or non-ferrous metals.* "Bolts, nuts, screws and rivets" does not include steel wire nails or brads.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective February 25, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 25, 1953.

[F. R. Doc. 53-1900; Filed, Feb. 25, 1953; 5:11 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-91 and Amdt. 1, Revocation]

M-91—SELENIUM

REVOCATION

NPA Order M-91 (16 F. R. 12433) and Amendment 1 (17 F. R. 1898) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-91 or Amendment 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or amendment prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective February 25, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1878; Filed, Feb. 25, 1953; 2:39 p. m.]

[NPA Reg. 1, Amdt. 2 of February 25, 1953]

REG. 1—INVENTORY CONTROL

SELENIUM AND ALUMINUM SCRAP

This amendment to NPA Reg. 1 as last amended by Amendment 1 of February 10, 1953, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation was had with industry representatives, including trade association representatives, and consideration was given to their recommendations.

NPA Reg. 1 as amended December 24, 1952, and last amended by Amendment 1 of February 10, 1953, is hereby further amended in the following respects:

1. In Table IA thereof, under the heading "Chemicals", the item "Selenium compounds (as defined in NPA Order M-91)" is changed to read:

Selenium dioxide.

2. In Table IB thereof the following items and the number of days set opposite are added:

Selenium, selenium alloys, and selenium dioxide: 30.

3. In Table II the following items under the column headings indicated are deleted:

Materials:	*NPA order or regulation*
Selenium	M-91
Aluminum scrap	M-22

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 25, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1879; Filed, Feb. 25, 1953; 2:39 p. m.]

[NPA Reg. 2, Direction 3 as amended February 25, 1953]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 3—RESTRICTIONS UPON USE OF RATINGS

MISCELLANEOUS AMENDMENTS

Direction 3 (as amended January 23, 1953) to NPA Reg. 2, is hereby further amended in the following respects:

1. Immediately after the introductory paragraph the heading "Explanatory" and the explanatory paragraph thereunder are deleted and in lieu thereof there is inserted:

This amended direction affects Direction 3 (as amended January 23, 1953) to NPA Reg. 2, as follows: It adds item 9 to Appendix A and includes in section 1 a reference to the suffix B-5.

2. Immediately preceding section 1, the heading "Regulatory Provisions" is deleted.

3. Section 1, paragraph (a) is amended to read:

(a) No rating shall be applied or extended to obtain any of the materials or products listed in any numbered item of Appendix A of this direction on or after the date set forth opposite such numbered item, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-1 or Z-2.

4. There is added to Appendix A the following item:

9. Selenium and selenium alloys—February 25, 1953.

This direction as amended, shall, except as otherwise provided herein, take effect February 25, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-1880; Filed, Feb. 25, 1953; 2:39 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF COMMERCE

Bureau of the Census

[15 CFR Part 30]

FOREIGN TRADE STATISTICS

CONFIDENTIAL NATURE OF SHIPPER'S EXPORT DECLARATION; LIMITATIONS ON ACCESS TO COPIES

The Shipper's Export Declaration (on Commerce Form 7525-V, 7525-V Alternate, or 7513) which exporters are required to file with Collectors of Customs in order to obtain clearance for export shipments, is an official form of the United States Department of Commerce and is intended for use solely for official purposes authorized by the Secretary of Commerce.

In order to insure that copies of the declaration authenticated by a Collector of Customs will not be available for any unofficial use, a proposal for amendment of the Foreign Commerce Statistical Regulations is being made as described below. To make it more clear that the form is under the jurisdiction of the Department of Commerce and must not be used except for the purposes officially authorized, the term "confidential" on the Shipper's Export Declaration will be supplemented, at the next reprinting of the form by the Government Printing Office, by the statement: "For use solely for official purposes authorized by the Secretary of Commerce. Use for unauthorized purposes is not permitted."

For the purpose of initiating the changes in the Foreign Commerce Statistical Regulations referred to in the preceding paragraph, notice is hereby given, pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.) and the authority contained in section 161 (5 U. S. C. 22) of the Revised Statutes, section 4, 32 Stat. 826 (5 U. S. C. 601) and section 7, 44 Stat. 572 (49 U. S. C. 177 (c)), that the Director of the Census is considering a proposal to issue Foreign Commerce Statistical Decision 75, as shown below, amending § 30.5 (b) of the Foreign Commerce Statistical Regulations so as fur-

ther to limit access to copies of the Shipper's Export Declaration, and to add § 30.5 (c) containing definite provisions with respect to limitations on the use of authenticated copies of the Shipper's Export Declaration.

All persons who wish to submit written data, views, or arguments, in connection with the proposed Foreign Commerce Statistical Decision 75, may do so by filing them in quadruplicate with the Bureau of the Census, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (b) of § 30.5 is amended, effective sixty days after the date of this Foreign Commerce Statistical Decision, to read as follows:

§ 30.5 *Confidential information.* * * *

(b) The contents of all copies of the export declaration must be treated as confidential and may not be disclosed to others than the exporter or his agent by employees of the Customs Service, the Department of Commerce, or other United States Government agencies, without the written consent of the Secretary of Commerce.

2. Paragraph (c), to be effective sixty days after the date of this Foreign Commerce Statistical Decision, is added to § 30.5, as amended by Foreign Commerce Statistical Decision 20 (January 8, 1942), to read as follows:

(c) A copy of a Shipper's Export Declaration authenticated by a Collector of Customs by certification, validation by numbering stamp, or any other method, may be supplied to exporters or their agents only where such a copy (1) is required, with the approval of the Secretary of Commerce, to be supplied by the exporter or his agent to an agency of the Federal Government or (2) is needed for presentation to the exporting transportation company as authorization for export. An authenticated copy of a Shipper's Export Declaration supplied to an exporter or his agent under either of the conditions in subparagraphs (1) and (2) of this paragraph may not be used for any other purposes nor may it be photostated or reproduced in any other form by the exporter or his agent, the Federal Government agency, or by a transportation company or its agents.

(R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 335, as amended, 336, as amended, 337, as amended, 4200, as amended, sec. 1, 18 Stat. 352, as amended, sec. 1, 27 Stat. 197, as amended, 32 Stat. 172, as amended, sec. 7, 44 Stat. 572, as amended, sec. 1, 52 Stat. 8; 15 U. S. C. 173, 174, 176, 176 (a), 177, 178, 46 U. S. C. 92, 95, 49 U. S. C. 177)

[SEAL] ROY V. PEEL,
Director, Bureau of the Census.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53–1846; Filed, Feb. 26, 1953; 8:49 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Ch. I]

[Docket No. R–126]

TREATMENT OF FEDERAL INCOME TAXES AS AFFECTED BY ACCELERATED AMORTIZATION

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

FEBRUARY 17, 1953.

Notice is hereby given that the time within which to submit the data, views and comments described in paragraph (B) on page 4 of the notice in the above-entitled matter which was issued on January 15, 1953 (18 F. R. 474), is extended from February 27, 1953, to March 6, 1953.

[SEAL] J. H. GUTRIDE,
Assistant Secretary.

[F. R. Doc. 53–1845; Filed, Feb. 26, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG, JAPAN AND TAIWAN

Notice is hereby given that the Foreign Assets Control Division of the Treasury Department is prepared on the basis of applications properly filed under the Foreign Assets Control Regulations (31 CFR 500.101–500.808) to license for purchase and importation into the United States certain merchandise certified to be of Hong Kong origin by the Department of Commerce and Industry of the Government of Hong Kong, certified to be of Japanese origin by the Ministry of International Trade and Industry of the Government of Japan, or certified to be of Taiwan (Formosan) origin by the Ministry of Economic Affairs of the Government of China under arrangements concluded between these countries and the United States to preclude the possibility of certification of goods of Communist Chinese or North Korean origin.

The merchandise for which there are now available certifications by the specified foreign governments and the dates on which such certifications first became available are:

From Hong Kong:
- Cottom waste, January 9, 1953.
- Hard-wood furniture, January 9, 1953.
- Ivory manufacturers, January 9, 1953.
- Preserved plums, January 9, 1953.
- Salt fish in oil, January 9, 1953.
- Silk manufactures, January 9, 1953.
- Tungsten ore and concentrates, January 9, 1953.
- Water chestnuts, January 9, 1953.
- Cotton wearing apparel, January 12, 1953.

From Japan:
- Hog bristles, January 29, 1953.

From Taiwan (Formosa):
- Water chestnuts, February 5, 1953.
- Seagrass squares, February 5, 1953.

Licenses will be issued for the importation of the listed merchandise only where the merchandise is to be imported from the certifying country directly. In each case the license will provide that the merchandise will not be released from United States Custom's custody unless the importer presents an appropriate certificate of origin issued by the specified foreign government agency to cover the imported merchandise.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

FEBRUARY 24, 1953.

[F. R. Doc. 53–1856; Filed, Feb. 26, 1953; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

TOWN SITE OF WALLULA, WASHINGTON

SALE OF TOWN LOTS

FEBRUARY 18, 1953.

1. *Authority.* Pursuant to the authority delegated by section 2.78 of Bureau of Land Management Order No. 427 (15 F. R. 5639, 5642) lots in the Town Site of Wallula, Washington, will be disposed of under the provisions of sections 2382 to 2386, Revised Statutes. The plat of survey of this town site was approved on November 4, 1952.

2. *Area and price.* The area and minimum price of the lots which will be offered for sale are shown in the attached schedule.

3. *Preemption claims.* Any person who has established settlement on any lot prior to the date of this notice and maintains such settlement to the date of proof is entitled to make the preemption entry at the minimum price for such lot and one other lot on which he has made substantial and permanent improvements.

Preemption claimants must file a notice of intention to make preemption proof on Form 4–348. This notice must be filed in the Washington Land and Survey Office at Spokane, Washington, not later than March 19, 1953, in order that publication may be made and proof submitted prior to the date of the public sale.

All lots listed in the attached schedule that are not embraced in preemption claims will be offered for sale on the date fixed.

4. *Public sale.* The lots listed will be offered for sale at public auction by the Regional Administrator, or his designated representative, and will be sold to the highest bidder at the Walla Walla County Service Building, 312 West Main Street, Walla Walla, Washington, starting at 10:00 a. m., May 14, 1953, and continuing until all lots are offered. Any qualified person may purchase lots for which he is the highest bidder, not exceeding 6 lots in Blocks 3, 4, 5, 10, zone

commercial, and 4 lots in Blocks 1, 2, 6, 9, zone residential.

5. *Payment.* No lot will be sold for less than the appraised price. Payment for lots must be made at the time of sale, unless the total sum due from any purchaser exceeds the amount of $500.00. If the total sum due from any purchaser exceeds the amount of $500.00, he may elect to pay one half of the total amount in cash on the sale date, and pay the balance within one year from the date of sale, plus interest at four percent per annum to the date of payment. Any deferred payments must be made to the Manager, Washington Land and Survey Office, Spokane, Washington. Failure to make full payment of any deferred installments, with interest, within the time allowed will cause an automatic forfeiture of all payments made, and of all interest under the sale, and the cancellation of the memorandum certificate of sale issued to the purchaser.

6. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of Washington.

7. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by this notice.

8. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots to be sold have been offered, the sale will be adjourned or closed as the officer conducting the sale may deem proper; and if the sale is closed, said officer shall reappraise any unsold lots as a basis for private entry whenever he shall find that the amounts bid or the appraised prices are inadequate.

9. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale shall be subject to private entry for cash at the price fixed by any reappraisal pursuant to paragraph 8 hereof, or if not reappraised, then at their appraised price, and said lots may be purchased from the Manager, Washington Land and Survey Office, Spokane, Washington.

10. *Reservations.* Patents for lots, when issued, will contain a reservation of fissionable source materials and the conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

11. *Warning.* All persons are warned against bargaining in a manner, forming any combination, or entering any agreements, which will prevent any lot from selling advantageously or which will, in any way, hinder or prevent this sale. Any person so offending will be subject to prosecution under 18 U. S. C. 1860.

JOHN L. BISHOP,
Acting Regional Administrator.

SCHEDULE OF APPRAISEMENTS

EVALUATION OF LOTS AND BLOCKS IN THE TOWN SITE OF WALLULA, WASHINGTON

Block	Lot	Area in square feet	Appraised valuation	Zoned
		Each	*Each*	
3	1 to 32 inclusive	4,200	$10.00	Commercial.
4	do	4,200	10.00	Do.
5	do	4,200	10.00	Do.
10	do	4,200	10.00	Do.
1	do	4,200	10.00	Residential.
2	do	4,200	10.00	Do.
6	do	4,200	10.00	Do.
9	do	4,200	10.00	Do.

[F. R. Doc. 53-1830; Filed, Feb. 26, 1953; 8:46 a. m.]

[Doc. 10, Region II]

NEVADA

AIR NAVIGATION SITE WITHDRAWALS NOS. 3, 10, 22, 45 AND 103 REDUCED

FEBRUARY 18, 1953.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental orders of the dates shown below withdrawing certain lands in Nevada for use by the Department of Commerce in maintenance of air-navigation facilities are hereby revoked so far as they affect the following described lands, and these lands are hereby opened to disposition under applicable public land laws, subject to valid existing rights:

Site No.	Withdrawal No. and date	Type of restoration	Description of lands
200 mi	Air navigation site No. 3; July 24, 1928; amended, Mar. 13, 1929.	Under applicable public land laws.	T. 20 N., R. 21 E., M. D. M., NW¼ SE¼ Section 36—40 acres.
22	Air navigation site No. 10; Sept. 14, 1928.	do	T. 20 N., R. 25 E., M. D. M., NE¼, S½NW¼, NE¼NW¼, S½NW¼ NW¼, NW¼NW¼NW¼, N½ NE¼NW¼NW¼ Section 8—315 acres.
212 mi	do	do	T. 20 N., R. 23 E., M. D. M., SW¼ Section 14—160 acres.
294 mi	Air navigation site No. 22; Feb. 13, 1929.	do	T. 26 N., R. 36 E., M. D. M., approximate SW¼ Section 6 (unsurveyed)—160 acres.
306 mi	do	do	T. 27 N., R. 37 E., M. D. M., SE¼ Section 11—160 acres.
325 mi	do	do	T. 28 N., R. 40 E., M. D. M., SE¼ SE¼ Section 23—40 acres.
28B	Air navigation site No. 45; Sept. 17, 1930.	do	T. 26 N., R. 34 E., M. D. M., SE¼ Section 28, NW¼ Section 34—320 acres.
34	do	do	T. 30 N., R. 44 E., M. D. M., NW¼ SW¼ Section 16—40 acres.
33	Air navigation site No. 103; Jan. 31, 1936.	do	T. 30 N., R. 42 E., M. D. M., approximate NW¼SE¼SE¼NE¼ Section 27 (unsurveyed)—5 acres.

All of the above-described lands are arid desert lands. The lands included in Sites 200, 212, 306 and 325 are rough, mountainous lands with the topography varying from rolling to steep and rocky. The lands in the remainder of the sites are relatively flat and sandy but, owing to alkali and lack of a water supply for irrigation, are unsuitable for agricultural development. Sites 22 and 28B contain graded earth landing strips which are now unserviceable. All of the lands included in this order are chiefly valuable for grazing. They will not be subject to occupancy or disposition until classified, and it is unlikely that any tract will be classified as suitable for homestead, desert land or small tract use.

All the lands are in grazing districts. This order shall, therefore, become effective immediately as to the administration of grazing on them by the Bureau of Land Management but shall not otherwise become effective to change the status of them until 10:00 a. m., Pacific Standard Time, until the 35th day after the date hereof.

At that time the said lands shall become subject to application, petition, location and selection subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager of the Bureau of Land Management Land and Survey Office, 322 Post Office Building, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 53-1829; Filed, Feb. 26, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN OF COUNTY COMMITTEES IN CERTAIN STATES

APPOINTMENT AS CONTRACTING OFFICERS AND DELEGATION OF AUTHORITY WITH RESPECT TO PRODUCTION AND HARVESTING OF CASTOR BEANS

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of PMA

County Committees in the States of Arkansas, Arizona, California, New Mexico, Oklahoma, and Texas are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the sale of castor bean seed to farmers, the purchase of castor beans produced by farmers, and the rental or sale of machinery needed in the production or harvesting of castor beans, under the 1953 Castor Bean Production and Procurement Program (18 F. R. 1103) formulated by Commodity Credit Corporation and Production and Marketing Administration pursuant to the Defense Production Act of 1950, as amended.

The foregoing authority as contracting officers shall be exercised in accordance with instructions, issued by the Vice President of CCC who is Assistant Administrator for Production, PMA, which shall be available for public inspection in the files of the PMA county offices in the States where this authorization is effective.

Issued this 20th day of February 1953.

[SEAL] JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1824; Filed, Feb. 26, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 148]

HILLARD CORP. AND STANLEY FINKELMAN

ORDER REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of The Hillard Corporation, Stanley Finkelman, 32 Broadway, New York 4, New York, respondents; Case No. 148.

Stanley Finkelman, an officer and principal of The Hillard Corporation, and said corporation, were duly convicted in the United States District Court, Southern District of New York, on October 17, 1952, following pleas of guilty to charges under the Federal mail fraud statute that they had participated in a scheme to defraud consignees in Hong Kong pursuant to which they had, during 1949 and 1950, exported and caused to be exported to such consignees a variety of clay of little value for sodium hydrosulphite ordered; and, in another instance, in the name of another company owned by Finkelman, had substituted various inexpensive pigment colors instead of the more costly coal tar dyes ordered.

It was disclosed that in carrying out the aforesaid exportations and in furtherance of the fraudulent scheme, Finkelman had issued falsified shipping instructions to an authorized freight forwarding agency, therein deliberately misdescribing the commodity to be shipped, intending that such false information appear on the shipping documents relating to such export, and had also caused an office associate to prepare and execute falsified shipping documents which were used to effect other exportations in furtherance of the fraud.

The sentence of the court provided for a fine of $1,000 against the corporation and imprisonment for Finkelman for one year and one day; execution of the prison sentence was suspended and Finkelman was placed on probation for two years; he was also fined $1,000, and, as a condition of probation, ordered to pay the fines imposed upon himself and the corporation, and, in addition, to pay $500 as restitution to the victims of the fraud. It appears that the two fines were paid on October 17, 1952, and the restitution payment made later; it also appears that Finkelman had settled the claim of the defrauded coal tar dye purchaser out of court for $10,000, such settlement having occurred in October 1950.

On the basis of the aforementioned criminal charges and conviction, and upon the pleas of guilty by respondents, the Office of International Trade brought administrative compliance proceedings against respondents by issuing a charging letter on December 18, 1952, charging therein, in substance, that by so violating the Federal mail fraud statute in connection with exportations of commodities from the United States respondents had violated a law relating to export control as defined in § 382.1 of the export control regulations. This section reads, in part:

> Any person who violates any law or regulation relating to export control may be denied the privilege of exporting, receiving, or otherwise participating in any exportation of any commodity, * * * from the United States to any foreign destination, * * *. Any statute, proclamation, Executive order, regulation, or order applicable to any conduct involved in obtaining or using an export license or other export control document shall be deemed to be a "law or regulation relating to export control."

After receiving the charging letter mentioned above, respondents requested that they be accorded an oral hearing thereon pursuant to the regulations, but thereafter elected to submit to the Office of International Trade a statement dated February 3, 1953, in which they admitted for the purpose of this compliance proceeding only the charges applicable to them in said charging letter, waived all rights to a hearing before the Compliance Commissioner and consented to the entry of an order, the terms of which are set forth below.

The charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review. Upon the basis of such review and upon the presentation of the facts, including extenuating circumstances claimed by respondents at the conference with counsel for the Office of International Trade and with respondents, the Compliance Commissioner has found that the charges applicable to respondents are supported by the evidence and that the acts of respondents constitute violations of a law relating to export controls, as defined in § 382.1 of the export control regulations. The Compliance Commissioner has concluded that the terms and conditions of the proposed order as consented to by respondents are fair and reasonable and should be approved.

The Compliance Commissioner has pointed out that Finkelman's record shows a propensity for engaging in fraudulent export transactions of a nature similar to the fraudulent scheme herein and that in addition to numerous trade complaints by foreign consignees filed against him and several companies in which he is the principal, he and two of his companies have been convicted by a criminal court in New York City for participating in a fraud involving the substitution of one exported commodity for another of considerably less value and the improper diversion of the proceeds of payment therefor.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the proposal for a consent order. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents Stanley Finkelman and The Hillard Corporation, or either of them, are revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondents are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada. Such denial of export privileges is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity (a) in the filing of any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to Broadway Distributing Corporation, Beck-Kassel (U. S. A.), Inc., Capehart Mercantile Agency, Inc., Paulstan Company, Inc., Paulstan American Corporation, and Paulstan International Corporation, (companies owned by Stanley Finkelman), their officers, directors, assigns, and employees, and to any person, firm, corporation, or other business organization with which said respondents, or either of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports under validated or general export licenses from the United States or services connected therewith.

(4) This order shall extend for a period of three (3) years from the date hereof, or until the termination of ex-

port controls, whichever occurs earlier: *Provided, however,* That upon the expiration of two (2) years from the date of this order, the operation of the order shall be suspended for the balance of one (1) year remaining, and the export privileges denied herein shall be restored to said respondents. In the event, however, that said respondents, or either of them, shall at any time during the period covered by this order knowingly violate any of the provisions of the order or any of the Office of International Trade regulations, the Office of International Trade may summarily, at such time as it determines such violation occurred, issue an order which denies to respondents all export privileges for the full one-year period which has been suspended, without limiting thereby the Office of International Trade from instituting any other and further action as it may deem appropriate based on such violation.

(5) No person, firm, corporation, or other business organization, whether situated in the United States or abroad, shall knowingly apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States of any commodity to any foreign destination, including Canada, to or for the named respondents, or either of them, or any person, firm, corporation, or other business organization covered and intended to be covered by paragraph (3) hereinabove, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: February 20, 1953.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 53-1840; Filed, Feb. 26, 1953; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5766]

AIR AMERICA, INC., ENFORCEMENT PROCEEDING

NOTICE OF RE-ASSIGNMENT OF DATE OF HEARING

In the matter of Air America, Inc., Enforcement Proceeding.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on February 24, 1953, is now assigned to be held on March 9, 1953, at 10:00 a. m., e. s. t., in Room 1205, Seventeenth Street, South of Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., February 20, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-1863; Filed, Feb. 26, 1953; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-186, 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. ET AL.

SUPPLEMENTAL APPLICATION PROPOSING CHARTER CHANGES AND REQUESTING ORDER CONTAINING RECITALS REGARDING PROPERTY TRANSFERS TO CONFORM TO INTERNAL REVENUE CODE

FEBRUARY 20, 1953.

In the matter of Arkansas Natural Gas Corporation, Cities Service Company, File No. 54-186; Arkansas Natural Gas Corporation and its subsidiaries and Cities Service Company, respondents, File Nos. 59-93, 70-1804.

The Commission, by order dated October 1, 1952, having approved a Plan filed by Arkansas Natural Gas Corporation ("Arknat"), a registered holding company and a subsidiary of Cities Service Company ("Cities"), also a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") which Plan was ordered enforced by the United States District Court for the District of Delaware by order dated January 29, 1953;

The Commission, by said order dated October 1, 1952, having reserved jurisdiction with respect to certain amendments required to be made to the charter or Certificate of Incorporation of Arkansas Louisiana Gas Corporation ("Arkla"), a gas utility subsidiary of Arknat, and having approved certain property transfers as between Arkla and Arkansas Fuel Oil Corporation ("Arkfuel"), a non-utility subsidiary of Arknat, and as between Arknat and Arkla;

Arknat, Arkla and Arkfuel having filed Supplemental Application No. I setting forth certain amendments proposed to be made to Arkla's charter, such amendments providing, among other things, for cumulative voting for the election of directors, for conditional pre-emptive rights in respect of sales of additional common stock by Arkla and for the authorization of 5,000,000 shares of new common stock with a par value of $5 per share, of which 3,801,609 shares will be issued and outstanding; and such Supplemental Application requesting that the Commission release jurisdiction over the amendment of the charter or Certificate of Incorporation of Arkla and that the Commission supplement its order dated October 1, 1952 by an order reciting said property transfers and reciting that said transactions are approved and are necessary or appropriate to the integration or simplification of the holding company system of which Arkla, Arknat, Arkfuel and Cities are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning of sections 371, 373 (a) and 1808 (f) of the Internal Revenue Code, as amended, and reserve jurisdiction to amend, supplement, or modify, upon petition or application of any of said companies, the recitals, itemizations, and specifications required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to any of the transactions of the Plan;

Notice is hereby given that any interested person may, not later than March 6, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 6, 1953, said application, as filed or as amended, may be granted or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the rules and regulations promulgated under the act or the Commission may take such other action as may appear appropriate:

It is ordered, That copies of this notice be sent by registered mail to Arknat, Arkla, Arkfuel, Cities, to the Commissioner of Internal Revenue for the United States, to the Federal Power Commission and to all parties to this proceeding, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list for releases under the act, and that further notice shall be given to all other persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1832; Filed, Feb. 26, 1953; 8:46 a. m.]

[File No. 70-2982]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ACQUISITION OF PROMISSORY NOTES

FEBRUARY 20, 1953.

New England Electric System ("NEES"), a registered holding company, having filed with this Commission an application, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-23 thereunder, with respect to the following proposed transactions:

NEES presently holds a promissory note of What Cheer Associates, Inc. ("What Cheer") in the reduced principal amount of $3,040,000. This note bears interest on the unpaid balance at 4 percent per annum and is payable in annual installments from December 1, 1951, through December 1, 1957. NEES acquired this note as part of the consideration for the sale in 1951 of its security holdings of United Electric Railways Company ("UER"), the name of which has been changed to United Transit Company ("UTC"). See New England Electric System, Holding Company Act

Release No. 10387. This note provided that there might be substituted for the original collateral, consisting of stock and bonds of UER, a mortgage note of that company.

NEES proposes in its application to acquire a new collateral promissory note of What Cheer in a principal amount equal to the then unpaid balance on the note presently held. The new note will bear interest on the unpaid balance at 4 percent per annum and will be payable in the amount of $504,600 on April 1, 1953, $500,000 on July 1, 1953, and December 1, 1953, and $250,000 annually thereafter (the last payment being $285,400 due December 1, 1959). The collateral for the new note will consist of a first mortgage note of UTC on substantially all of its property in a principal amount equal to the principal amount of the new note and 37,500 shares (82 percent) of UTC capital stock.

The application states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. The application further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed acquisitions.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1833; Filed, Feb. 26, 1953; 8:46 a. m.]

[File No. 70–2991]

ATHOL GAS CO. ET AL.

NOTICE REGARDING PROPOSED NOTE ISSUES BY SUBSIDIARIES AND ACQUISITION OF SAID NOTES BY PARENT COMPANY

FEBRUARY 20, 1953.

In the matter of Athol Gas Company, Beverly Gas and Electric Company, Connecticut River Power Company, Northampton Gas Light Company, Norwood Gas Company, Southern Berkshire Power & Electric Company, New England Electric System; File No. 70–2991.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by New England Electric System ("NEES"), a registered holding company, and declarations have been filed with this Commission, pursuant to the act, by certain of its subsidiaries, namely, Athol Gas Company ("Athol"), Beverly Gas and Electric Company ("Beverly"), Connecticut River Power Company ("Connecticut"), Northampton Gas Light Company ("Northampton"), Norwood Gas Company ("Norwood") and Southern Berkshire Power & Electric Company ("Southern Berkshire"). NEES and its above named subsidiaries have designated sections 6 (a), 7, 9 (a), and 10 and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43, U-45 (b) (1) and U-50 (a) (3) thereunder as applicable to the proposed transactions, which are summarized as follows:

The above named subsidiary companies propose to issue to NEES during the period ending July 1, 1953, unsecured promissory notes in the aggregate principal amount of $5,475,000 and in the following individual amounts: Athol, $95,000; Beverly, $2,660,000; Connecticut, $850,000; Northampton, $400,000; Norwood, $465,000; and Southern Berkshire, $1,005,000. Each of the proposed notes will mature December 1, 1953, and will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that 3 percent per annum is the present prime interest rate charged by banks on notes similar to the proposed notes. In the event that such prime interest rate is in excess of 3¼ percent per annum at the time any of the proposed notes are to be issued, at least five days prior to the issuance of said note or notes the issuing company or companies and NEES will file an amendment to this filing setting forth the terms of the note or notes and the rate of interest. It is requested that any such amendment become effective at the end of said five day period unless prior thereto the Commission notifies NEES or the issuing company or companies to the contrary.

As at January 1, 1953, Athol, Beverly, Connecticut, Norwood and Southern Berkshire had outstanding notes payable to NEES in the respective principal amounts of $60,000, $2,290,000, $750,000, $355,000 and $905,000. As at the same date, Northampton had outstanding with a bank promissory notes in the principal amount of $305,000. The proceeds to be derived from the proposed notes will be used by the subsidiary companies to pay such note indebtedness, for construction costs and for other corporate purposes.

Each of the subsidiary companies proposes that if any permanent financing is done before the maturity of said note indebtedness, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the principal amount of the then outstanding notes.

It is stated that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for NEES and each of the subsidiary companies, or an aggregate of $1,400. It is further stated, that, except for an exemption by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Connecticut, no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than March 10, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application of NEES and the declarations of the subsidiaries, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53–1835; Filed, Feb. 26, 1953; 8:47 a. m.]

[File No. 70–3000]

GEORGIA POWER CO.

NOTICE OF FILING REGARDING SALE OF FIRST MORTGAGE BONDS AND PREFERRED STOCK AT COMPETITIVE BIDDING

FEBRUARY 20, 1953.

Notice is hereby given that an application has been filed with this Commission by Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company ("Southern"), a registered holding company. The applicant has designated section 6 (b) of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, (i) $16,000,000 principal amount of First Mortgage Bonds __ Percent Series due 1983, to be issued under and secured by Georgia's present Indenture, dated as of March 1, 1941, as last supplemented on July 1, 1952, and to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1953; and (ii) 100,000 shares of its authorized but unissued preferred stock, without par value. The interest rate and dividend rate for the bonds and preferred stock, respectively, and the price to be paid the company for said securities will be determined by the competitive bidding, except that the invita-

tion for bids for the bonds will specify that the price to the company shall be not less than 100 percent nor more than 102.75 percent of the principal amount; and the invitation for bids for the preferred stock will specify that the price to the company shall be not less than $100 per share nor more than $102.75 per share.

Georgia proposes to use the proceeds from the sale of these securities, and $6,000,000 to be received from the sale of additional common stock to Southern (see Holding Company Act Release No. 11705) prior to the issuance and sale of the bonds and preferred stock, to provide a portion of the funds required to finance its current construction program. Georgia estimates that said program will require approximately $28,000,000 of additional financing before the end of 1954.

Georgia also proposes to amend its charter to reclassify 500,000 authorized but unissued shares of $6 Preferred Stock, into a like number of shares of $__ Preferred Stock, and to incorporate in the charter the same limitations on the payment of cash dividends and distributions on its common stock as are contained in a condition in an order of this Commission dated November 14, 1947 (File No. 70–1595). The company requests the Commission to modify its order of November 14, 1947, by declaring said condition to be no longer effective when the charter shall have been amended as proposed.

The filing states that the issuance and sale of the proposed new bonds and the preferred stock will be submitted to the Georgia Public Service Commission for its approval.

Notice is further given that any interested person may, not later than March 9, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 9, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53–1834; Filed, Feb. 26, 1953; 8:47 a. m.]

[File No. 59–15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER APPROVING PLANS

FEBRUARY 13, 1953.

New England Public Service Company ("NEPSCO"), a registered holding company and its parent, Northern New England Company ("Northern") having filed applications, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of NEPSCO's amended plan and Northern's plan; and

Said amended plan of NEPSCO providing, in brief, for the distribution of its portfolio stocks to the holders of its preferred and common stocks in the approximate proportion of 82 percent to the preferred and 18 percent to the common, and for the liquidation and dissolution of the company; and said plan of Northern providing, in brief, for the distribution of its remaining assets pro rata among its single class of shareholders and the liquidation and dissolution of the company;

Public hearings having been duly held after appropriate notice with respect to said plans at which hearings all interested persons were afforded an opportunity to be heard;

NEPSCO and Northern having requested that the Commission's order approving said plans contain the recitals and other provisions necessary to bring the transactions involved herein within the provisions of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and it appearing appropriate to the Commission that such recitals be set forth in a supplemental order; and

NEPSCO and Northern having further requested that the Commission, pursuant to section 11 (e) of the act, apply to a United States District Court to enforce and carry out the terms and provisions of said plans; and

The Commission having considered the entire record in these matters and having this day filed its findings and opinion herein finding said plans are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby:

It is ordered, On the basis of the entire record herein and said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said amended plan of NEPSCO and said plan of Northern be, and the same hereby are, approved subject to the terms and conditions contained in Rule U-24 promulgated under the act and to the following additional terms and conditions:

1. That this order shall not be operative to authorize the consummation of the transactions proposed in said plans until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said plans;

2. That only such fees and expenses in connection with said plans and prior plans and the proceedings incident thereto shall be paid as the Commission may approve on appropriate application made to it, and jurisdiction hereby is specifically reserved to determine the reasonableness, appropriate allocation, and payment by NEPSCO and Northern of all fees and expenses and all other remuneration incurred or to be incurred in connection with said plans and prior plans, and the transactions incident thereto, except that the proposed payment of expenses for winding up the affairs of NEPSCO and Northern in amounts not exceeding $31,000 to be paid by NEPSCO and $3,000 to be paid by Northern are hereby approved;

3. That jurisdiction be and it hereby is specifically reserved with respect to the following:

a. The proposed composition of the initial Boards of Directors of Central Maine Power Company, Public Service Company of New Hampshire, and Central Vermont Public Service Corporation upon and after consummation of the NEPSCO plan;

b. The supervision of efforts to locate holders of securities to be exchanged under the present plans and prior plans of NEPSCO and Northern;

c. The terms, conditions, and procedures under which NEPSCO, Northern, Liquidation Trustee, and Liquidation Agent may buy or sell any shares for the purpose of carrying out the terms and provisions of said plans;

d. The supervision of the liquidation of Nepsco Services, Inc., the service company;

e. The distribution of NEPSCO's portfolio stocks to General Electric Company and Manufacturers Trust Company pursuant to the terms of the plan;

f. The entry by the Commission of an order containing the recitals and other provisions of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended;

g. The entertaining of such further proceedings, the entering of such further orders, and the taking of such further action as may be deemed to be necessary or appropriate in connection with the plans, the transactions incident thereto, and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53–1805; Filed, Feb. 25, 1953; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS VI, VII, AND VIII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 29, 1953:

REGION VI

Detroit Order I–G1–3, filed 1:30 p. m.; I–G2–3, filed 1:31 p. m.; I–G3–3, filed 1:31 p. m.; I–G4–3, filed 1:32 p. m.; I–G1–3, amendment 1, filed 1:30 p. m.; I–G2–3, amendment 1, filed 1:31 p. m.; I–G3–3, amendment 1, filed 1:32 p. m.; I–G4–3, amendment 1, filed 1:32 p. m.

REGION VII

Chicago Order II–G1–2, filed 1:38 p. m.; II–G2–2, filed 1:38 p. m.; II–G3–2, filed 1:39 p. m.; II–G3A–1, filed 1:39 p. m.; II–G4–2, filed 1:40 p. m.; II–G4A–2, filed 1:40 p. m.; I–G1–3, amendment 1, filed 1:32 p. m.; I–G1–3, amendment 2, filed 1:33 p. m.; I–G1–3, amendment 3, filed 1:33 p. m.; I–G2–3, amendment 1, filed 1:33 p. m.;

I–G2–3, amendment 2, filed 1:33 p. m.; I–G2–3, amendment 3, filed 1:33 p. m.; I–G3–3, amendment 1, filed 1:34 p. m.; I–G3–3, amendment 2, filed 1:34 p. m.; I–G3–3, amendment 3, filed 1:34 p. m.; I–G4–3, amendment 1, filed 1:34 p. m.; I–G4–3, amendment 2, filed 1:34 p. m.; I–G4–3, amendment 3, filed 1:35 p. m.; II–G1–1, amendment 1, filed 1:35 p. m.; II–G2–1, amendment 1, filed 1:35 p. m.; II–G3–1, amendment 1, filed 1:35 p. m.; II–G3–1, amendment 2, filed 1:36 p. m.; II–G4–1, amendment 1, filed 1:36 p. m.; II–G4–1, amendment 2, filed 1:36 p. m.; II–G4A–1, amendment 1, filed 1:36 p. m.; II–G1–2, amendment 1, filed 1:36 p. m.; II–G2–2, amendment 1, filed 1:37 p. m.; II–G3–2, amendment 1, filed 1:37 p. m.; II–G3–2, amendment 2, filed 1:37 p. m.; II–G4–2, amendment 1, filed 1:37 p. m.; II–G4–2, amendment 2, filed 1:37 p. m.; II–G4A–2, amendment 1, filed 1:38 p. m.; III–G1–1, amendment 1, filed 1:41 p. m.; III–G1–1, amendment 2, filed 1:41 p. m.; III–G1–1, amendment 3, filed 1:41 p. m.; III–G1–1, amendment 4, filed 1:41 p. m.; III–G2–1, amendment 1, filed 1:42 p. m.; III–G2–1, amendment 2, filed 1:42 p. m.; III–G2–1, amendment 3, filed 1:42 p. m.; III–G3–1, amendment 1, filed 1:43 p. m.; III–G3–1, amendment 2, filed 1:43 p. m.; III–G3–1, amendment 3, filed 1:43 p. m.; III–G3–1, amendment 4, filed 1:43 p. m.; III–G3A–1, amendment 1, filed 1:44 p. m.; III–G3A–1, amendment 2, filed 1:44 p. m.; III–G3A–1, amendment 3, filed 1:44 p. m.; III–G3A–1, amendment 4, filed 1:44 p. m.; III–G4–1, amendment 1, filed 1:45 p. m.; III–G4–1, amendment 2, filed 1:45 p. m.; III–G4–1, amendment 3, filed 1:45 p. m.; III–G4–1, amendment 4, filed 1:45 p. m.; III–G4A–1, amendment 1, filed 1:45 p. m.; III–G4A–1, amendment 2, filed 1:46 p. m.; III–G4A–1, amendment 3, filed 1:46 p. m.; III–G4A–1, amendment 4, filed 1:46 p. m.

Indianapolis Order III–G1–2, filed 1:46 p. m.; III–G2–2, filed 1:47 p. m.; IV–G3–2, filed 1:47 p. m.; IV–G4–2, filed 1:47 p. m.; IV–G3–1, amendment 2, filed 1:48 p. m.; IV–G4–1, amendment 2, filed 1:48 p. m.

Milwaukee Order III–G1–2, filed 1:50 p. m.; III–G2–2, filed 1:50 p. m.; III–G3–2, filed 1:50 p. m.; III–G4–2, filed 1:51 p. m.; I–G3–3, amendment 1, filed 1:48 p. m.; I–G3–3, amendment 2, filed 1:48 p. m.; I–G3–3, amendment 3, filed 1:49 p. m.; I–G3–3, amendment 4, filed 1:49 p. m.; II–G3–2, amendment 2, filed 1:49 p. m.; II–G4–2, amendment 2, filed 1:49 p. m.; III–G3–2, amendment 1, filed 1:51 p. m.; III–G3–2, amendment 2, filed 1:51 p. m.; III–G4–2, amendment 1, filed 1:52 p. m.; III–G4–2, amendment 2, filed 1:52 p. m.

REGION VIII

Helena Order I–G1–3, filed 1:52 p. m.; I–G2–3, filed 1:52 p. m.; I–G3–3, filed 1:53 p. m.; I–G4–3, filed 1:53 p. m.; II–G1–2, filed 1:53 p. m.; II–G2–2, filed 1:54 p. m.

Sioux Falls Order I–GI–3, filed 1:54 p. m., I–G2–3, filed 1:54 p. m.; I–G4–3, filed 1:55 p. m.; I–G4A–3, filed 1:56 p. m.; II–G1–3, filed 1:55 p. m.; II–G2–3, filed 1:55 p. m.; II–G3–3, filed 1:56 p. m.; I–G1–3, amendment 1, filed 1:56 p. m.; I–G1–3, amendment 2, filed 1:56 p. m.; I–G2–3, amendment 1, filed 1:57 p. m.; I–G2–3, amendment 2, filed 1:57 p. m.; I–G4–3, amendment 1, filed 1:57 p. m.; I–G4–3, amendment 2, filed 1:58 p. m.; II–G1–2, amendment 4, filed 2:00 p. m.; II–G1–3, amendment 1, filed 1:58 p. m.; II–G2–2, amendment 4, filed 2:01 p. m.; II–G2–3, amendment 1, filed 1:58 p. m.; II–G3–3, amendment 1, filed 1:58 p. m.; II–G4–3, amendment 1, filed 1:58 p. m.; IV–G1–1, amendment 1, filed 1:59 p. m.; IV–G1–1, amendment 2, filed 1:59 p. m.; IV–G2–1, amendment 1, filed 1:59 p. m.; IV–G2–1, amendment 2, filed 1:59 p. m.; IV–G4–1, amendment 1, filed 2:00 p. m.; IV–G4–1, amendment 2, filed 2:00 p. m.; IV–G4–1, amendment 3, filed 2:00 p. m., II–G4–3, filed 1:56 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 53–1852; Filed, Feb. 24, 1953; 11:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27812]

CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO CERTAIN POINTS IN ALABAMA AND FLORIDA

APPLICATION FOR RELIEF

FEBRUARY 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1295.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Blakely, Brookley, and Mobile, Ala., Cantonment, Gonzales, Pensacola, and North Pensacola, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1295, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1841; Filed Feb. 26, 1953; 8:48 a. m.]

[4th Sec. Application 27814]

ALCOHOL FROM CERTAIN POINTS IN MARYLAND, PENNSYLVANIA, AND NEW JERSEY TO HOLSTON AND KINGSPORT, TENN.

APPLICATION FOR RELIEF

FEBRUARY 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A–968.

Commodities involved: Alcohol, ethyl, denatures, isopropanol or isopropyl, in tank-car loads.

From: Baltimore, Md., Philadelphia, Pa., Bayway, Carteret, and Newark, N. J.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A–968, Supp. No. 5

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53–1843; Filed, Feb. 26, 1953; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 40

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

INTEREST RATES, SOURCES OF FUNDS, AND AMORTIZATION SCHEDULES

Section 333.3, Title 6, Code of Federal Regulations (17 F. R. 190), is revised to eliminate refinancing of outstanding Farm Ownership indebtedness when subsequent loans are made with respect to certain former Defense Relocation Corportion properties. The section as amended reads as follows:

§ 333.3 *Interest rates, sources of funds, and amortization schedules.* Various kinds of Farm Ownership financial assistance have been extended at different rates of interest and involving a number of sources of funds. Therefore, the following policy will govern the making of a subsequent Farm Ownership loan so that future servicing will be simplified: (1) The outstanding Farm Ownership indebtedness will be refinanced if so provided in this section; (2) the benefit of the lowest practicable rates of interest on outstanding Farm Ownership indebtedness will be retained for the borrower; and (3) unpaid balances on outstanding Farm Ownership debts will be reamortized.

(a) When making a subsequent loan to a borrower whose outstanding Farm Ownership indebtedness represents: An asset of a State Rural Rehabilitation Corporation; or a credit sale of a farm by a Defense Relocation Corporation the accounts of which are not yet considered Government accounts; or a credit sale of a farm by a land leasing or land purchasing association or similar organization:

(1) Sufficient funds will be included in the subsequent loan to refinance all outstanding Farm Ownership indebtedness. Interest on such indebtedness will be computed only through the date of the subsequent loan check.

(i) In accordance with instructions previously approved by the representative of the Office of the Solicitor, the State Director will execute and transmit to that representative the necessary release or satisfaction of the mortgage which secures the indebtedness being refinanced. This document will be forwarded to the County Supervisor when instructions are sent by the representative of the Office of the Solicitor to the County Supervisor concerning disbursement of the proceeds of the loan. The release or satisfaction will be filed for record by the County Supervisor or the attorney who supervises the closing. Funds will be withdrawn from the borrower's supervised bank account to pay the indebtedness being refinanced. Form FHA–37, "Receipt for Payment," will be used to acknowledge the withdrawal of such funds. The appropriate loan code number will be shown in the first column. The payment will be classified as an "extra" payment, and the notation "Payment-in-full by refinancing" will be printed prominently on the face of the receipt. The receipt and the remittance will be scheduled in the usual manner to the Area Finance Office.

(ii) Upon receipt of Form FHA–144, "Summary of Remittance," covering the remittance which paid the outstanding indebtedness in full, the Area Finance Office immediately will forward the original of Form FHA–597, "Notice of Fully Paid Notes," together with the note(s) stamped with a paid-in-full legend, to the appropriate State Office. The stamped note(s) and the State Office copy of the mortgage which has been satisfied will be sent to the County Supervisor for delivery to the borrower.

(2) The interest rate will be 4 percent.

(3) The subsequent loan will be amortized so as to mature within one year of, but not later than, the maturity date of the earliest outstanding Farm Ownership note, unless the loan approval official determines that a longer payment period is necessary, but in no case will it be amortized over a period longer than 40 years from the date of the subsequent loan note.

(b) When making a subsequent loan to a borrower whose outstanding Farm Ownership indebtedness represents one

(Continued on p. 1149)

CONTENTS

Agriculture Department Page

See also Commodity Credit Corporation; Farmers Home Administration; Production and Marketing Administration.

Rules and regulations:
Determination of parity prices; wool 1150

Alien Property, Office of

Notices:
Vesting orders, etc.:
Bartels, J. H. L. 1176
H. Oyens & Zonen, N. V. 1176
Keppelman, Adolphus 1176
Saalfeldt, Margarete 1177
Schreiber, Karl 1176

Civil Aeronautics Administration

Rules and regulations:
Alterations:
Danger areas (2 documents) 1155
Minimum en route instrument altitudes 1155

Civil Aeronautics Board

Notices:
Hearings, etc.:
North American Airlines, Inc. 1173
Pan American World Airways, Inc. 1173
South Pacific Air Lines 1173

Commerce Department

See Civil Aeronautics Administration; National Production Authority.

Commodity Credit Corporation

Rules and regulations:
Cotton, 1952 price support program; schedule of base loan and purchase rates for warehouse stored cotton; Georgia 1149
Naval stores; 1953 gum price support loan program 1149

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of.

Farmers Home Administration

Rules and regulations:
Processing subsequent loans; interest rates, sources of funds, and amortization schedules 1147

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 3 (full text of Proclamations and Executive Orders) ($1.75)

Previously announced: Titles 10–13 ($0.40); Title 17 ($0.35); Title 18 ($0.35); Title 49: Parts 71 to 90 ($0.45)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission — Page
Notices:
- Hearings, etc.:
  - California Oregon Power Co. and Mountain States Power Co — 1174
  - Pacific Gas and Electric Co — 1174

Federal Reserve System
Proposed rule making:
- Loans by banks for the purpose of purchasing or carrying registered stocks — 1172

Federal Trade Commission
Rules and regulations:
- Thorkon Co.; cease and desist order — 1158

Interior Department
See Land Management, Bureau of.

CONTENTS—Continued

Internal Revenue Bureau — Page
Rules and regulations:
- Taxes on safe deposit boxes and on certain transportation and communication services; excise taxes on certain telephone and telegraph messages, and with respect to transportation of persons — 1159

Interstate Commerce Commission
Notices:
- Applications for relief:
  - Ethylene dibromide from certain points in West Virginia to Baton Rouge and North Baton Rouge, La — 1174
  - Fresh meats and packing house products from Iowa and Nebraska to Texas — 1175
  - Scrap paper from Canton, N. C., to Thomson and Trionda, N. Y — 1175
  - Synthetic rubber from points in the Southwest to East Millstone and South Plainfield, N. J — 1175
  - Petroleum and pitch coke from Chicago and Lockport, Ill., to points in New York and Ontario, Canada — 1175

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
- Rights-of-way other than for railroad purposes and for logging roads on the Oregon and California and Coos Bay revested lands; terms and conditions — 1172

National Production Authority
Rules and regulations:
- Metalworking machines-delivery (M–41) — 1167

Post Office Department
Rules and regulations:
- Classification and rates of postage; revocation of surcharge on certain fourth-class mail — 1172

Price Stabilization, Office of
Notices:
- Wembley, Inc.; ceiling prices at retail — 1173

Rules and regulations:
- Pass-through for beryllium, chromium, cobalt and nickel (GOR 43) — 1161

Production and Marketing Administration
Rules and regulations:
- Limitations of shipments:
  - Lemons grown in Arizona and California — 1152
  - Oranges, grapefruit and tangerines grown in Florida (3 documents) — 1151, 1152
- Milk handling:
  - Fort Smith, Ark — 1154
  - Philadelphia, Pa — 1153
  - San Antonio, Tex — 1153

CONTENTS—Continued

Rent Stabilization, Office of — Page
Rules and regulations:
- Certain defense-rental areas in Colorado, New Jersey and Pennsylvania:
  - Hotels — 1171
  - Housing — 1170
  - Motor courts — 1171
  - Rooms — 1170
- Specific provisions relating to individual defense-rental areas or portions thereof in Ohio and Colorado:
  - Hotels — 1171
  - Housing — 1170
  - Motor courts — 1171
  - Rooms — 1170

Securities and Exchange Commission
Notices:
- Central and South West Corp.; notice of filing — 1174

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
Rules and regulations:
- Stone, glass, and related products industry in Puerto Rico; minimum wage rates — 1160

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 — Page
Chapter III:
- Part 333 — 1147

Chapter IV:
- Part 607 — 1149
- Part 638 — 1149

Title 7
Subtitle A
- Part 5 — 1150

Chapter IX:
- Part 933 (3 documents) — 1151, 1152
- Part 949 — 1153
- Part 953 — 1152
- Part 961 — 1153
- Part 976 — 1154

Title 12
Chapter II:
- Part 221 (proposed) — 1172

Title 14
Chapter II:
- Part 608 (2 documents) — 1155
- Part 610 — 1155

Title 16
Chapter I:
- Part 3 — 1158

Title 26
Chapter I:
- Part 130 — 1159

Title 29
Chapter V:
- Part 678 — 1160

Title 32A
Chapter III (OPS):
- GOR 43 — 1161

Chapter VI (NPA):
- M–41 — 1167

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter XXI (ORS):	
RR 1 (2 documents)	1170
RR 2 (2 documents)	1170
RR 3 (2 documents)	1171
RR 4 (2 documents)	1171
Title 39	
Chapter I:	
Part 34	1172
Title 43	
Chapter I:	
Part 244	1172

or more of the following: A direct loan in accordance with title I of the Bankhead-Jones Farm Tenant Act, as originally enacted or as amended; a Special Real Estate loan, or a Farm and Home Improvement loan, or a Farm Development loan from funds available for Loans, Grants, and Rural Rehabilitation; a credit sale of Government-owned land pursuant to section 43 or 51 of the Bankhead-Jones Farm Tenant Act, as originally enacted or as amended, or Public Law 563, 79th Congress; and, a credit sale of a farm by a Defense Relocation Corporation the accounts of which are considered Government accounts:

(1) The outstanding Farm Ownership indebtedness will not be refinanced.

(2) The mortgage(s) securing the outstanding indebtedness will not be superseded by the subsequent loan mortgage, but the mortgage securing the subsequent loan will contain a covenant to the effect that it secures not only the subsequent loan but also secures performance of and compliance with all of the covenants, conditions, and provisions of all mortgages which secure outstanding Farm Ownership indebtedness.

(3) The subsequent loan will bear interest at the rate of 4 percent and each outstanding debt will be continued at its present rate of interest.

(4) Each outstanding debt will be reamortized as of the date the subsequent loan is closed. The subsequent loan will be amortized so as to mature within one year of, but not later than, the maturity date of the earliest outstanding Farm Ownership note, unless a transfer case is involved. If a subsequent loan is made in connection with a transfer case, the subsequent loan will be amortized so as to mature within one year of, but not later than, the due date of the final installment under the assumption agreement.

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies secs. 1 (a), 2 (b), 3 (b), 44 (b), 48, 60 Stat. 1072, 1063, 1074, 1069, 1070, sec. 1, 62 Stat. 534; 7 U. S. C. 1001, 1001 (note), 1003 (b), 1018 (b), 1022)

Dated: February 5, 1953.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: February 25, 1953.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-1901; Filed, Feb. 27, 1953; 8:52 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 Cotton Bulletin 1, Amdt. 1 to Supp. 1]

PART 607—COTTON

SUBPART—1952 COTTON PRICE SUPPORT PROGRAM

SCHEDULE OF BASE LOAN AND PURCHASE RATES FOR WAREHOUSE-STORED COTTON; GEORGIA

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 7527, and containing the Schedule of Base Loan and Purchase Rates for Warehouse-Stored Cotton are hereby amended as follows:

Under § 607.354 *Basic loan and purchase rates by warehouse locations* the following correction is made:

State	City and county	Loan rate
	From—	
Georgia	Milan, Dodge	$32.70
	To—	
Georgia	Milan, Telfair	32.58

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 25th day of February 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-1902; Filed, Feb. 27, 1953; 8:52 a. m.]

PART 638—NAVAL STORES

SUBPART—1953 GUM NAVAL STORES PRICE SUPPORT LOAN PROGRAM

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1953, formulated by the Commodity Credit Corporation and the Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA").

Sec.
638.401 Administration.
638.402 Eligible producer.
638.403 Eligible naval stores.
638.404 Eligible turpentine.
638.405 Eligible rosin.
638.406 Eligible oleoresin.
638.407 Eligible metal drums.
638.408 Availability of loans.
638.409 Rate of loan to producers.
638.410 Storage provisions.
638.411 Maturity.
638.412 Redemption.
638.413 Rights of CCC upon maturity.
638.414 Disposition of proceeds upon liquidation.
638.415 Personal liability.

AUTHORITY: §§ 638.401 to 638.415 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 301, 63 Stat 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447.

§ 638.401 *Administration.* The Naval Stores Division, Tobacco Branch, PMA, will supervise the administration of the program. CCC will make a loan to the American Turpentine Farmers Association Cooperative, Valdosta, Georgia (referred to in this section as the "Association"), under a Loan Agreement which will enable the Association in turn to make loans to eligible producers on eligible naval stores, to supervise the maintenance of the collateral in storage, to perform related field administration functions, to arrange for redemptions, and to collaborate in the liquidation of unredeemed collateral. The PMA Commodity Office, New Orleans, Louisiana, will perform accounting and auditing functions.

§ 638.402 *Eligible producer.* A producer will be eligible for loan if he (a) is a member of the Association under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in the Association), (b) is a cooperator in the 1953 Naval Stores Conservation Program of the United States Department of Agriculture or otherwise follows good conservation practices, as determined by such Department, (c) has made satisfactory arrangements to pay any indebtedness to the United States Department of Agriculture or any agency thereof, as evidenced by the registers of indebtedness maintained by the County Committees of the PMA, United States Department of Agriculture, and (d) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1–1953), or any other similar agreement.

§ 638.403 *Eligible naval stores.* "Eligible naval stores" are eligible turpentine, eligible rosin and the turpentine and rosin content in eligible oleoresin.

§ 638.404 *Eligible turpentine.* "Eligible turpentine" is gum turpentine which (a) was produced from eligible oleoresin, (b) is free and clear from all liens and encumbrances, (c) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (d) is "waterwhite" in color, (e) is free from excess resin acids, as evidenced by a total acid number of not more than 0.50, and (f) conforms as to specific gravity to Federal Specifications TT–T–801, to wit: A maximum of 0.875 and a minimum of 0.860 taken at 60 degrees over 60 degrees Fahrenheit.

§ 638.405 *Eligible rosin.* "Eligible rosin" is gum rosin which (a) was produced from eligible oleoresin, (b) grades "I" or better, (c) is free and clear from all liens and encumbrances, (d) has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, (e) is packed to the net weight approved by CCC, in eligible metal drums, (f) is transparent, (g) is free from visible foreign materials and contains no extraneous matter resulting from chemical or

other treatment of the rosin, or of the oleoresin or the trees from which it came, and (h) conforms as to softening point to not less than Federal Specifications LLL–R–626, to wit: 158 degrees Fahrenheit (American Society for Testing Materials Methods No. E 28–51T). Rosin must be Federally inspected and weighed or the weights checked prior to tender for loan.

§ 638.406 *Eligible oleoresin.* "Eligible oleoresin" is oleoresin (a) which was produced in 1953 in the United States by an eligible producer, (b) which is free and clear from all liens and encumbrances, (c) the turpentine or rosin content in which has not been theretofore pledged for a loan and in which the beneficial interest is and always has been in the producer, and (d) which will yield turpentine of the prescribed quality, and rosin of the prescribed grades and quality. When a producer's eligible oleoresin was commingled with oleoresin produced by other producers in the processing operation, the turpentine and rosin tendered for loan by the producer as representing the processed equivalent of his eligible oleoresin will be deemed to be, if otherwise eligible, eligible turpentine and eligible rosin produced by such producer.

§ 638.407 *Eligible metal drums.* "Eligible metal drums" are drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of the Association.

§ 638.408 *Availability of loans.* (a) Under the Loan Agreement, CCC will make a loan to the Association for the purpose of enabling the Association to make loans available, or to make loans, to eligible producers of eligible naval stores produced in 1953. The loan to the Association will be in an amount equal to (1) the amount of the loans made by the Association to producers, (2) the administrative and operating expenses, approved by CCC, incurred by the Association in connection with making loans available and the making of loans, and the handling and preservation of pledged naval stores, (3) the storage charges after naval stores are pledged, and (4) an indemnification charge to cover the assumption by CCC of the risk of loss on rosin and rosin content in oleoresin (the storage rate for turpentine includes insurance).

(b) Each producer desiring to obtain loans will execute a Producer's Marketing Agreement with the Association. Each loan will be secured by a pledge by the producer to the Association of eligible turpentine, eligible rosin, or unprocessed turpentine or rosin content in eligible oleoresin, and the Association, in turn, will pledge the same to CCC as security for the loan made by CCC to the Association. Loans on rosin will be made only on full drums thereof, and loans on the rosin content in oleoresin, only upon the equivalent of full drums thereof. No loans will be made later than December 31, 1953.

(c) Eligible naval stores will be deemed tendered for loan by the producer to the Association only when such naval stores have been (1) processed (except where unprocessed turpentine or rosin content in oleoresin is offered for loan), (2) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2–1953), and (3) offered for loan on a Producer's Offer (ATFA Form 3A–1953) (the date of which, if subsequent to April 1, 1953, shall be not later than thirty (30) days from the date of delivery of eligible oleoresin for processing). If there are any liens or encumbrances on the naval stores offered for loan, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3–1953).

§ 638.409 *Rate of loan to producers.* The Association will make loans to producers based on the rate of $129.81 per naval stores production unit, comprised of fifty (50) gallons of turpentine and fourteen hundred (1400) pounds of rosin; this rate will remain fixed throughout the loan period. Initially, the production unit rate of $129.81 will be allocated to the individual commodities to provide a loan rate for turpentine of fifty cents (50¢) per gallon of 7.2 pounds in bulk, and a loan rate of $7.49 for rosin of grades X through WG, and of $7.39 for grades N through I per hundred pounds net packed in eligible metal drums. CCC reserves the right to revise such allocation of loan values between turpentine and rosin during the loan period, within the fixed production unit loan rate. The amount which the Association will lend to any producer will be determined by applying the applicable loan rates in effect for turpentine and rosin on the date of the applicable Producer's Offer to the quantities thereof tendered for loan.

§ 638.410 *Storage provisions.* The producer will be required to place naval stores offered for loan in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement with the Association. This Agreement will be assigned by the Association to CCC. All processing charges, including the cost of eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for loan will be borne by the producer. Storage charges accruing after the naval stores are pledged are payable by CCC, and comprise part of the loan by CCC to the Association.

§ 638.411 *Maturity.* The loan made by CCC to the Association and the loans made by the Association to producers will be due and payable upon demand, or on April 1, 1954, whichever is earlier.

§ 638.412 *Redemption.* (a) Subject to terms and conditions of the Producer's Marketing Agreement, the producer may redeem pledged naval stores, prior to maturity of the loan, upon application to the Association and payment of the redemption price. The producer's right to redeem may be exercised for him and in his behalf by the Association and the producer's exercise of the right of redemption is subject to the prior exercise thereof by the Association. Subject to the terms and conditions of the Loan Agreement, the Association may redeem naval stores pledged by the Association to CCC, upon application to CCC therefor prior to the maturity of the loan and payment of the redemption price.

(b) The redemption price will be the weighted average amount loaned by Commodity to the Association on pledged turpentine or rosin or the content thereof in oleoresin, including applicable expenses and charges, plus interest at the rate of three and one-half percent (3½ percent) per annum.

§ 638.413 *Rights of CCC upon maturity.* CCC will have the right at any time after maturity of the loan to sell, assign, transfer and deliver the pledged naval stores, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine.

§ 638.414 *Disposition of proceeds upon liquidation.* CCC will apply the net proceeds from the disposition of pledged naval stores (a) towards satisfaction of accrued interest, (b) towards satisfaction of the principal amount loaned, and (c) towards the satisfaction of any other indebtedness of the Association to CCC. In the event that any sum remains after application of these amounts, such sum will be returned to the Association by CCC for disposition by the Association to its producer-member participants, or for and in behalf of its producer-members, on an equitable basis as determined by the Association with the approval of CCC.

§ 638.415 *Personal liability.* The loans will be non-recourse, except that any fraudulent representation by the producer or the Association in the loan documents, or in obtaining a loan, will render him or it subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the pledged naval stores are less than the amount of indebtedness incurred by the Association with respect thereto.

Issued this 25th day of February 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53–1903; Filed, Feb. 27, 1953; 8:52 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 7]

PART 5—DETERMINATION OF PARITY PRICES

WOOL

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (15 F. R. 837, as amended by 15 F. R. 9374, 16 F. R. 2865 and 5971, 17 F. R. 961 and 10277 and 18

F. R. 492) are amended as hereinafter specified in order to designate wool as a commodity for which season average prices will be used in making parity price calculations. The amendment to § 5.4 adds wool to the list of commodities for which marketing season average prices will be used in making parity price calculations.

The paragraph of § 5.4 headed *Designated Nonbasic Commodities* is hereby amended to read as follows:

Potatoes; wool; tung nuts; mohair; honey, wholesale comb; and honey, wholesale extracted.

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 25th day of February 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1907; Filed, Feb. 27, 1953; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 135]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.618 *Tangerine Regulation 135*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines, grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, of a grade higher than U. S. No. 2, which are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, that grade U. S. No. 2 which are

(a) Of a size larger than the size that will pack 150 tangerines, or

(b) Of a size smaller than the size that will pack 210 tangerines,

packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1922; Filed, Feb. 27, 1953; 9:00 a. m.]

[Grapefruit Reg. 177]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.619 *Grapefruit Regulation 177*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(iv) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(v) Any pink seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 or U. S. No. 2 Bright which are (*a*) of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box, or (*b*) of a size larger than a size that will pack 64 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(x) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," "ship," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1920; Filed, Feb. 27, 1953; 8:59 a. m.]

[Orange Reg. 232]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.620 *Orange Regulation 232*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than March 2, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until March 2, 1953; the recommendation and supporting information for continued regulation subsequent to March 1 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., March 2, 1953, and ending at 12:01 a. m., e. s. t., March 16, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Florida oranges (§ 51.302 of this title; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (§ 953.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1921; Filed, Feb. 27, 1953; 9:00 a. m.]

[Lemon Reg. 474]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.581 *Lemon Regulation 474*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate

the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 25, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 1, 1953, and ending at 12:01 a. m., P. s. t., March 8, 1953, is hereby fixed as follows:

(i) District 1: 10 carloads;

(ii) District 2: 290 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 473 (18 F. R. 1027) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of February 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-1941; Filed, Feb. 27, 1953; 9:00 a. m.]

PART 949—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that the following provision in § 949.51 (c) of the order does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order on and after March 1, 1953: *"Provided,* That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953".

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance, and; (2) this action is necessary so that the order will reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this termination action do not require of persons affected substantial or extensive preparations which cannot be completed prior to March 1, 1953. Accordingly, it is hereby found that good cause exists for making this order effective March 1, 1953.

It is therefore ordered the following provision in § 949.51 (c) of the order be and hereby is terminated effective on and after the 1st day of March 1953: *"Provided,* That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup. 608c)

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after the 1st day of March 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1905; Filed, Feb. 27, 1953; 8:53 a. m.]

[Docket No. AO-160-A-14-RO 1]

PART 961—MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on January 28, 1953, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than March 1, 1953, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on January 28, 1953, and the decision of the Secretary having been issued February 16, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania marketing area)

of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (December 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.40 (b) delete subparagraph (3) and insert subparagraphs (3) and (4) as follows:

(3) During the months of February and March 1953 deduct 10 cents from the price calculated pursuant to subparagraphs (1) (excluding the proviso) and (2) of this paragraph.

(4) The price for any of the months of March through June 1953 for milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk shall not exceed the sum of the following: (i) A butterfat value computed as follows: To the average butter price per pound computed pursuant to subparagraph (1) of this paragraph add 2 cents, multiply by 1.22 and by 4, and deduct 19 cents, and (ii) a skim milk value computed by multiplying by 7.8 the weighted average (using the weight of 70 for roller process prices and a weight of 30 for spray process prices) of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption, in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and subtract 54 cents.

2. In § 961.41 reword paragraph (b) as follows:

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as follows: Divide the average of the cream quotations used in calculating the Class II price by 334.8 and subtract 0.67 cent; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the butter value by 40; and in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, during March, April, May and June 1953, divide the butterfat value computed pursuant to § 961.40 (b) (4) by 40.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after March 1, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-1906; Filed, Feb. 27, 1953; 8:53 a. m.]

PART 976—MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 976.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than March 1, 1953. Any delay beyond that date in the effective date of this order would result in disorder in the marketing of milk. Handlers in the Fort Smith market are refusing to accept milk in excess of that required to carry on their fluid milk operations. Until the price for Class II milk is reduced, this milk will continue to back up on farms as production increases seasonally, or will be diverted by the producers cooperative at a loss. In order to provide an outlet for this milk and stabilize the market, it is necessary to make this amendment effective at once.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER February 26, 1953 (18 F. R. 1117). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective March 1, 1953. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Fort Smith, Arkansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Smith, Arkansas, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 976.44 (f) change the period at the end thereof to a colon and add the

following: "*Provided*, That if the market administrator is permitted to audit the records of receipts and utilization at any such unapproved plant, butterfat contained in such transfers or diversions may be deemed to have been used in the production of butter, American type cheeses or evaporated milk to the extent butterfat was used at such plant in the production of such products during the month."

2. In § 976.70 change the period at the end thereof to a colon and add the following: "*Provided*, That from the effective date hereof through June 1953, 7 cents shall be deducted from this sum for each pound of butterfat in producer milk which was allocated to Class II pursuant to § 976.46, and which was used in the production of butter, American type cheeses or evaporated milk, or which was assigned to such products pursuant to § 976.44 (f)."

3. In § 976.72 (d) change the semicolon at the end thereof to a colon, and add the following: "*Provided*, That from the foregoing sum shall be subtracted an amount equal to the deductions made pursuant to the proviso in § 976.70 or 7 cents times the pounds of butterfat in excess milk, whichever is less;"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of February 1953, to be effective on and after March 1, 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53–1904; Filed, Feb. 27, 1953; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 50]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.18, a Port St. Joe, Florida, area is added to read:

Name and location (chart)	Description by Geographical coordinates	Designated altitudes	Time of designation	Using agency
PORT ST. JOE (D–434) (Mobile Chart).	Beginning at lat. 29°52′24″ N., long. 85°23′24″ W.; SSE. to lat. 29°50′30″ N., long. 85°23′12″ W.; due E. to long. 85°22′30″ W.; SSE. to lat. 29°42′00″ N., long. 85°20′30″ W.; WSW. to lat. 29°41′48″ N., long. 85°21′48″ W.; SSE. to lat. 29°40′00″ N., long. 85°21′36″ W.; WSW. to a point 3 nautical miles from the shoreline at lat. 29°39′30″ N., long. 85°25′25″ W.; northerly paralleling the shoreline at a distance of 3 nautical miles to lat. 29°50′10″ N., long. 85°28′40″ W.; ENE. to lat. 29°52′24″ N., long. 85°23′24″ W., point of beginning.	Surface to unlimited.	0630 to 1700, Mondays through Saturdays.	3625th Flying Training Command, Tyndall Air Force Base Panama City, Fla.

2. In § 608.18, the Tyndall Air Force Base, Panama City, Florida, area I (D–183), published on May 26, 1950, in 15 F. R. 3212, amended on August 7, 1951, in 16 F. R. 7696, on November 28, 1951, in 16 F. R. 11954, and on July 16, 1952, in 17 F. R. 6428, is further amended by changing the "Description by Geographical Coordinates" column to read: "Area I (D–183): Beginning at lat. 30°43′00″ N., long. 85°14′00″ W.; SE. to lat. 29°55′00″ N., long. 84°32′00″ W.; SW. to the W. end of Dog Island at lat. 29°47′00″ N., long. 84°40′00″ W.; SSE. to a point 3 nautical miles from the shoreline at lat. 29°43′45″ N., long. 84°39′00″ W.; westerly paralleling the shoreline at a distance of 3 nautical miles to lat. 29°39′30″ N., long. 85°25′25″ W.; ENE. to lat. 29°40′00″ N., long. 85°21′36″ W.; NNW. to lat. 29°41′48″ N., long. 85°21′48″ W.; ENE. to lat. 29°42′00″ N., long. 85°20′30″ W.; NNW. to lat. 29°50′30″ N., long. 85°22′30″ W.; due W. to long. 85°23′12″ W.; NNW. to lat. 29°52′24″ N., long. 85°23′24″ W.; WSW. to a point 3 nautical miles from the shoreline at lat. 29°50′10″ N., long. 85°28′40″ W.; northwesterly paralleling the shoreline at a distance of 3 nautical miles to lat. 30°04′20″ N., long. 85°45′45″ W.; NW. to lat. 30°42′00″ N., long. 86°06′00″ W.; easterly to lat. 30°43′00″ N., long. 85°14′00″ W., point of beginning."

3. In § 608.36, the Fallon, Nevada, area 1 (D–267), published on May 20, 1952, in 17 F. R. 4558, is amended by changing the "Description by Geographical Coordinates" column to read: "1 (D–267): A circular area having a radius of 5 nautical miles centered at lat. 39°53′00″ N., long. 118°20′00″ W., excluding that portion lying N. of a line connecting lat. 39°53′45″ N., long. 118°26′20″ W., and lat. 39°57′10″ N., long. 118°16′15″ W." This area is amended also by changing the "Designated altitudes" column to read: "Surface to unlimited".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 2, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53–1909; Filed, Feb. 27, 1953; 8:59 a. m.]

[Amdt. 51]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.39, the White Sands Proving Grounds, New Mexico, area (D–209), published on July 16, 1949, in 14 F. R. 4293, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 32°00′00″ N., long. 106°34′00″ W.; due N. to lat. 32°29′00″ N.; NW. to lat. 32°50′00″ N., long. 106°46′00″ W.; due N. to lat. 33°50′15″ N.; due E. to long. 106°03′50″ W.; due S. to lat. 32°55′00″ N.; due W. to long. 106°06′00″ W.; due S. to lat. 32°25′00″ N.; SSW. to lat. 32°23′00″ N., long. 106°07′00″ W.; southwesterly on a line 2 miles W. of and parallel to the Southern Pacific Railroad to lat. 32°00′00″ N., long. 106°21′45″ W.; due W. to lat. 32°00′00″ N., long. 106°34′00″ W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 27, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53–1910; Filed, Feb. 27, 1953; 8:59 a. m.]

[Amdt. 29]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Moline, Ill. (LFR) Harmon (INT), Ill.	Harmon (INT), Ill. Aurora (INT), Ill.	2,100 2,000

2. Section 610.105 *Amber civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Grand Isle, La. (LFR)	New Orleans, La. (LFR).	1,400

3. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Camarillo, Calif. (LFR)	Santa Barbara, Calif. (LFR): Southeast-bound only.	4,000
	Northwest-bound	6,000

4. Section 610.206 *Red civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Int. NE ers. Las Vegas, Nev. (LFR), and SW crs. St. George, Utah (VAR).	St. George, Utah (VAR).	9,000
St. George, Utah (VAR).[1]	Bryce Canyon, Utah (VAR).	13,000

[1] 10,000'—Minimum crossing altitude at St. George (VAR), northeast-bound.

5. Section 610.206 *Red civil airway No. 6* is amended to eliminate:

From—	To—	Minimum altitude
Bryce Canyon, Utah (VAR).	Hanksville, Utah (VAR).[1]	13,000
Hanksville, Utah (VAR).	Grand Junction, Colo. (VAR).	10,000
Grand Junction, Colo. (VAR).[2]	Int. E. crs. Grand Junction, Colo. (VAR), and 227° true rad. Kremmling, Colo. (VOR).	16,000
Int. E. crs. Grand Junction, Colo. (VAR), and 227° true rad. Kremmling, Colo. (VOR).	Kremmling, Colo. (VOR).	16,000
Kremmling, Colo. (VOR).	Denver, Colo. (VOR)	16,000
Superior, Colo. (FM)	Denver, Colo. (VOR), eastbound only.	10,000

[1] 10,500'—Minimum crossing altitude at Hanksville (VAR), southwest-bound.
[2] 11,000'—Minimum crossing altitude at Grand Junction (VAR), eastbound.

6. Section 610.213 *Red civil airway No. 13* is amended by adding:

From—	To—	Minimum altitude
Wheeling, W. Va. (LF/RBN) (LOM).	Clinton, Pa. (RBN)	2,700
Clinton, Pa. (RBN)	Butler, Pa. (RBN)	2,500

7. Section 610.272 *Red civil airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Belle Mead (INT), N. J.	Chatham, N. J. (LF/RBN).	2,000
Chatham, N. J. (LF/RBN).	Paterson, N. J. (LF/RBN).	2,000

8. Section 610.618 *Blue civil airway No. 18* is amended to read in part:

From—	To—	Minimum altitude
Albany, N. Y. (LF/RBN).	Burlington, Vt. (LFR).	4,500
Glens Falls, N. Y. (RBN).	Albany, N. Y. (LF/RBN), southbound only.	3,000

9. Section 610.621 *Blue civil airway No. 21* is amended to eliminate:

From—	To—	Minimum altitude
Lexington, Ky. (RBN)	Int. W ers. Huntington, W. Va. (LFR), and E crs. Louisville, Ky. (LFR).	2,500
Charleston, W. Va. (LFR).	Parkersburg, W. Va. (VAR).	2,500
Parkersburg, W. Va. (VAR).	Int. NE crs. Parkersburg, W. Va. (VAR), and W crs. Pittsburgh, Pa. (LFR).	6,000

10. Section 610.631 *Blue civil airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Monmouth (INT), Ill.	Moline, Ill. (LFR)	2,100

11. Section 610.647 *Blue civil airway No. 47* is amended by adding:

From—	To—	Minimum altitude
Int. NE crs. Raleigh, N. C. (LFR), and SE crs. Blackstone, Va. (LFR).	Blackstone, Va. (LFR).	1,500
Blackstone, Va. (LFR).	Gordonsville, Va. (LFR).	3,000

12. Section 610.670 *Blue civil airway No. 70* is amended by adding:

From—	To—	Minimum altitude
Clifton (INT), Tex.	Lipan (INT), Tex.	2,300
Lipan (INT), Tex.	Mineral Wells, Tex. (LF/RBN).	2,300
Mineral Wells, Tex. (LF/RBN).	Ardmore, Okla. (LF/RBN).	2,500

13. Section 610.681 *Blue civil airway No. 81* is amended to read in part:

From—	To—	Minimum altitudo
Charleston, W. Va. (LFR).	Zanesville, Ohio (LF/RBN).	2,200

14. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Elkins, W. Va. (VOR)	5,000

15. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Hill City, Kans. (VOR) via N. alter.	Salina, Kans. (VOR) via N. alter.	[1] 5,000

[1] 4,000'—Minimum terrain clearance altitude.

16. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Goshen, Ind. (VOR)	Rome City (INT), Ind.	2,300
Rome City (INT), Ind.	Bryan (INT), Ohio	3,000
Bryan (INT), Ohio	Waterville, Ohio (VOR).	2,000
Waterville, Ohio (VOR).	Cleveland, Ohio (VOR).	2,000
Goshen, Ind. (VOR) via N. alter.	Waterville, Ohio via N. alter.	3,000

17. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Goshen, Ind. (VOR)	Antwerp (INT), Ohio.	3,000
Antwerp (INT), Ohio	Findlay, Ohio (VOR)	2,000
Kremmling,[1] Colo. (VOR), direct.	Grand Junction, Colo. (VOR), direct.	14,000

[1] 16,000'—Minimum crossing altitude at Kremmling (VOR), eastbound.

18. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La. (VOR).	McComb, Miss. (VOR).	1,700

19. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (VOR)	Carey (INT), Ohio	2,100
Carey (INT), Ohio	Cleveland, Ohio (VOR).	2,000

20. Section 610.6015 *VOR civil airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Dallas, Tex. (VOR)	Frisco (INT), Tex	2,000
Frisco (INT), Tex	Ardmore, Okla. (VOR).	2,200

21. Section 610.6017 *VOR civil airway No. 17* is amended to read in part:

From—	To—	Minimum altitude
Gage, Okla. (VOR)	Garden City, Kans. (VOR).	[1] 5,000

[1] 4,300'—Minimum terrain clearance altitude.

22. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Litchfield, Mich. (VOR).	Morenci (INT), Mich.	2,600
Morenci (INT), Mich.	Waterville, Ohio (VOR).	2,200
Waterville, Ohio (VOR).	Bellevue (INT), Ohio.	1,900
Bellevue (INT), Ohio	Wellington, Ohio (VAR).	2,000
Wellington, Ohio (VAR).	Falls (INT), Ohio	2,500

23. Section 610.6035 *VOR civil airway No. 35* is amended by adding:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Parkersburg, W. Va. (VOR).	2,500
Parkersburg, W. Va. (VOR).	Pittsburgh, Pa. (VOR)	3,000

24. Section 610.6038 *VOR civil airway No. 38* is amended by adding:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR).	Elkins, W. Va. (VOR)	5,000

25. Section 610.6039 *VOR civil airway No. 39* is amended by adding:

From—	To—	Minimum altitude
Poughkeepsie, N. Y. (VOR).	Gardner, Mass. (VOR)	3,500
Gardner, Mass. (VOR)	Concord, N.H. (VOR)	4,000
Concord, N. H. (VOR)	Kennebunk, Maine (VOR).	2,500

26. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
South Bass (INT), Ohio.	Sandusky (INT), Ohio.	3,000
Sandusky (INT), Ohio.	Clarksfield (INT), Ohio.	4,000
Clarksfield (INT), Ohio.	Medina (INT), Ohio	2,500
Medina (INT), Ohio	Bergholz (INT), Ohio.	2,600

27. Section 610.6042 *VOR civil airway No. 42* is amended to read:

From—	To—	Minimum altitude
Detroit, Mich. (VOR)	Maidstone (INT), Ont.	2,300
Maidstone (INT), Ont.	Cleveland, Ohio (VOR).	1,900
Cleveland, Ohio (VOR).	Blimp (INT), Ohio	2,600
Blimp (INT), Ohio	Sebring (INT), Ohio	3,700
Sebring (INT), Ohio	Pittsburgh, Pa. (VOR).	2,600

28. Section 610.6044 *VOR civil airway No. 44* is amended by adding:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR).	Morgantown, W. Va. (VOR).	4,000
Morgantown, W. Va. (VOR).	Martinsburg, W. Va. (VOR).	5,000

29. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Findlay, Ohio (VOR)	Waterville, Ohio (VOR).	2,100
Waterville, Ohio (VOR) via dir. or W. alter.	Detroit, Mich. (VOR) Via dir. or W. alter.	2,100

30. Section 610.6072 *VOR civil airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Binghamton, N. Y. (VOR).	Albany, N. Y. (VOR)	4,500

31. Section 610.6075 *VOR civil airway No. 75* is amended by adding:

From—	To—	Minimum altitude
Morgantown, W. Va. (VOR).	Wheeling, W. Va. (VOR).	4,000
Wheeling, W. Va. (VOR).	Medina (INT), Ohio	2,600
Medina (INT), Ohio	Cleveland, Ohio (VOR).	2,200

32. Section 610.6092 *VOR civil airway No. 92* is amended to read:

From—	To—	Minimum altitude
Waterville, Ohio (VOR).	Republic (INT), Ohio.	2,000
Republic (INT), Ohio.	Mansfield, Ohio (VOR).	2,400

33. Section 610.6096 *VOR civil airway No. 96* is amended to read:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR).	Waterville, Ohio (VOR).	2,000

34. Section 610.6117 *VOR civil airway No. 117* is added to read:

From—	To—	Minimum altitude
Waco, Tex. (VOR)	Mineral Wells, Tex. (VOR).	2,500
Mineral Wells, Tex. (VOR).	Ardmore, Okla. (VOR)	2,300

35. Section 610.6119 *VOR civil airway No. 119* is added to read:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VOR).	Wheeling, W. Va. (VOR).	2,600

36. Section 610.6045 *VOR civil airway No. 45* is amended to read in part:

From—	To—	Minimum altitude
Columbus, Ohio (VOR).	Carey (INT), Ohio	2,400
Carey (INT), Ohio	Waterville, Ohio (VOR).	2,000
Waterville, Ohio (VOR).	Lansing, Mich. (VOR).	2,300

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 24, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-1794; Filed, Feb. 24, 1953; 1:12 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6004]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THORKON CO.

Subpart—*Advertising falsely or misleadingly:* § 3.30 *Composition of goods;* §3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the preparation known as Thorkon, or any other preparation of substantially similar composition or possessiing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that Thorkon has any therapeutic value for the impairments of physical stamina or other conditions resulting from age; (b) that Thorkon, however taken, will enable one to relax or sleep well or cause him to feel stronger or better generally, or will have any effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B_1, B_2, niacinamide or iron than by other causes; (c) that respondent's said preparation has any value in treating a blotchy skin or other skin irritations, or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired or sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, or in converting a nagging, irritable, quarrelsome woman into a good wife and mother, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B_1, B_2, niacinamide or iron than by other causes; (d) that said preparation has any value in treating or avoiding dizziness, bloating, heartburn, sour stomach, gas on the stomach, burning in the stomach, muscular aches and pains, or pains wherever located, associated with stomach disorders, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamins B_1, B_2, niacinamide or iron than by other causes; (e) that said preparation, however taken, will provide Vitamin B_6, or Vitamin B_{12} in therapeutic quantities, or that it has any value in the treatment of any symptom or condition caused by deficiencies of Vitamins B_6 or B_{12}; or, (f) that Thorkon is supercharged with vitamins and minerals in general or Vitamin B_{12} in particular; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Thorkon Company, Atlanta, Ga., Docket 6004, December 2, 1952]

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and a hearing before said examiner, theretofore duly designated by the Commission, at which respondent, having defaulted in filing its answer to the complaint but having entered its appearance, stated that it did not desire to contest the proceeding or to show cause why an order to cease and desist should not be entered against it, and the attorney in support of the complaint moved that the hearing be closed and that an order to cease and desist, in the form set forth in the "Notice" portion of the complaint, be entered against respondent, based on its waiver of a hearing on the merits, and its failure to answer and show cause why said order should not be entered against it.

Thereafter following the granting of said motion and the closing of the hearing, the proceeding regularly came on for final consideration by the said examiner upon the complaint, waiver of hearing and failure to answer and show cause by respondent, and the aforesaid motion, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, and pursuant to Rules V and VIII of the rules of practice of the Commission, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter having come on to be heard by the Commission upon its review of said initial decision, the matter was disposed of by the Commission's "Decision of the Commission and order to file report of compliance", dated December 2, 1952, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

It is ordered, That the initial decision of the hearing examiner, a copy of which is attached hereto, shall, on the 2d day of December 1952, become the decision of the Commission.

It is further ordered, That the respondent, The Thorkon Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent, The Thorkon Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation known as Thorkon, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That Thorkon has any therapeutic value for the impairments of physical stamina or other conditions resulting from age.

(b) That Thorkon, however taken, will enable one to relax or sleep well or cause him to feel stronger or better generally, or will have any effect upon the nerves, disposition, color or complexion, appetite, digestion, vigor, energy, happiness, general health or appearance, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B_1, B_2, niacinamide or iron than by other causes.

(c) That respondent's said preparation has any value in treating a blotchy skin or other skin irritations, or a tired, run-down body, restlessness, nervousness, physical exhaustion, shortness of breath, weakness or heaviness in the limbs, stomach distress, backache, listlessness, fatigue, neuritis, tired or sluggish blood, nerves, muscles, stomach, liver, intestines, or glands, or in converting a nagging, irritable, quarrelsome woman into a good wife and mother, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamin B_1, B_2, niacinamide or iron than by other causes.

[1] Filed as part of the original document.

(d) That said preparation has any value in treating or avoiding dizziness, bloating, heartburn, sour stomach, gas on the stomach, burning in the stomach, muscular aches and pains, or pains wherever located, associated with stomach disorders, unless such representation be expressly limited to symptoms or conditions due to Vitamin B_1, B_2, niacinamide or iron deficiencies, and unless the advertisement clearly and conspicuously reveals that such symptoms or conditions are caused much less frequently by deficiencies of Vitamins B_1, B_2, niacinamide or iron than by other causes.

(e) That said preparation, however taken, will provide Vitamin B_6 or Vitamin B_{12} in therapeutic quantities, or that it has any value in the treatment of any symptom or condition caused by deficiencies of Vitamins B_6 or B_{12}.

(f) That Thorkon is supercharged with vitamins and minerals in general or Vitamin B_{12} in particular.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 above, or which fails to comply with the affirmative requirements set forth in subparagraphs (b), (c) and (d) of Paragraph 1 hereof.

Issued: December 2, 1952.

By the Commission.[2]

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-1895; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5994, Regs. 42]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

EXCISE TAX ON CERTAIN TELEPHONE AND TELEGRAPH MESSAGES AND WITH RESPECT TO TRANSPORTATION OF PERSONS

On October 29, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9747), in order to conform Regulations 42 (1942 Edition) (26 CFR, Part 130) to sections 491, 492, 493, and 494 of the Revenue Act of 1951 (Public Law 183, 82d Congress, 1st Session), approved October 20, 1951. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 42 (1942 Edition) set forth below are hereby adopted.

PARAGRAPH 1. Section 130.0, as amended by Treasury Decision 5559, approved April 18, 1947, is further amended as follows:

(A) By striking in paragraph (c) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: ", sections 2, 3, and 4 of the Excise Tax Act of 1947, and sections 491 and 492 of the Revenue Act of 1951,".

(B) By striking in paragraph (d) the words "and sections 2, 3, and 4 of the Excise Tax Act of 1947," and inserting in lieu thereof the following: ", sections 2, 3, and 4 of the Excise Tax Act of 1947, section 607 of the Revenue Act of 1950, and sections 493 and 494 of the Revenue Act of 1951,".

PAR. 2. Immediately preceding § 130.30, there is inserted the following:

SEC. 491. REDUCTION OF TAX ON TELEGRAPH DISPATCHES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Reduction of tax.* The table contained in section 1650 (relating to the war tax rates of certain miscellaneous taxes) is hereby amended by striking out the following:

3465 (a) (1) (B) (insofar as it relates to domestic telegraph, cable, and radio dispatches).	Domestic Telegraph, Cable, or Radio Dispatches.	15 per centum	25 per centum.

(b) *Effective date.* Subject to the provisions of subsection (c), the amendments made by this section shall apply with respect to amounts paid on or after the rate reduction date (as defined in subsection (d)) for services rendered on or after such date.

(c) *Amounts paid pursuant to bills rendered.* The amendments made by this section shall not apply with respect to amounts paid pursuant to bills rendered prior to the rate reduction date. In the case of amounts paid pursuant to bills rendered on or after the rate reduction date for services for which no previous bill was rendered, the amendments made by this section shall apply except with respect to such services as were rendered more than 2 months before such date. In the case of services rendered more than 2 months before such date the provisions of sections 1650 and 3465 of the Internal Revenue Code in effect at the time such services were rendered shall be applicable to the amounts paid for such services.

(d) *Rate reduction date.* For the purposes of this section the term "rate reduction date" means the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

PAR. 3. Paragraph (b) of § 130.30, as amended by Treasury Decision 5559, is further amended by adding at the end thereof the following new sentences: "The provisions of section 1650 were further amended by section 491 of the Revenue Act of 1951, effective November 1, 1951, and as so amended, the rate of tax on amounts paid on and after that date for domestic services specified in section 3465 (a) (1) (B) rendered on and after that date was reduced. The amendment as it relates to this tax applies to amounts paid pursuant to bills rendered on and after November 1, 1951, for services furnished on or after September 1, 1951, for which no previous bill was rendered."

PAR. 4. Section 130.33, as amended by Treasury Decision 5559, is further amended by revising subparagraph (1) of paragraph (b) thereof to read as follows:

(b) *Telegraph, cable, and radio dispatches and messages.* (1) (i) International messages: The amount paid for each international telegraph, cable, or radio dispatch or message is subject to tax at the rate of 10 percent.

(ii) Domestic messages: The amount paid for each domestic telegraph, cable, or radio dispatch or message is subject to tax at the specified rates for the following periods:

(*a*) On and after November 1, 1951, 15 percent;

(*b*) April 1, 1944 through October 31, 1951, 25 percent;

(c) November 1, 1942 through March 31, 1944, 15 percent;

(*d*) Prior to November 1, 1942, 10 percent.

PAR. 5. Immediately preceding § 130.44, there is inserted the following:

SEC. 492. EXEMPTION OF CERTAIN OVERSEAS TELEPHONE CALLS FROM THE TAX ON TELEPHONE FACILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Telephone calls from members of Armed Forces in combat zones.* Section 3466 is amended by redesignating subsection (c) thereof as subsection "(d)" and by inserting after subsection (b) the following new subsection:

(c) No tax shall be imposed under section 3465 (a) (1) (A) upon any payment received for any telephone or radio telephone message which originates within a combat zone, as defined in section 22 (b) (13), from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary may by regulations prescribe, is furnished to the person receiving such payment.

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of enactment of this Act for telephone or radio telephone messages made on or after such date.

PAR. 6. Section 130.44, as amended by Treasury Decision 5521, approved June 14, 1946, is further amended by striking "(See also § 130.46)" in the second sentence of paragraph (e), and by inserting in lieu thereof "(See also § 130.47)".

PAR. 7. Section 130.46 is renumbered § 130.47 and a new § 130.46 is inserted to read as follows:

§ 130.46 *Telephone calls from members of Armed Forces in combat zones.* (a) The exemption provided by section 3466 (c) is applicable to any payment received on or after November 1, 1951, for any telephone or radio telephone message or call which originates, on or after such date, within a combat zone as defined in section 22 (b) (13), from a member of the Armed Forces of the United States performing service in such combat zone, if a properly executed certificate of exemption substantially in the form shown below is furnished the person receiving such payment. (See also § 130.47.)

(b) Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive Order, for the purpose of section 22 (b) (13), as an

[2] Commissioner Mason not participating.

area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

EXEMPTION CERTIFICATE

(Overseas Telephone Calls)

---------- 19----
(Date)

I certify that the toll charges of $--------
are for telephone or radio telephone messages originating at ----------
(Point of origin)
within a combat zone from ----------
(Name)
a member of the Armed Forces of the United States performing service in such combat zone, that the transmission facilities were furnished by ----------;
(Name of carrier)
that the charges are exempt from tax under section 3466 (c) of the Internal Revenue Code.

(Signature of Subscriber)

(Address)

NOTE: Penalty for fraudulent use, $10,000 or imprisonment or both. (See section 1718 of the Internal Revenue Code.)

PAR. 8. There is inserted immediately preceding § 130.50 the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts", and by inserting after the words "one month or less" the following ", or to amounts paid for transportation by boat for the purpose of fishing from such boat".

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 9. Section 130.51, as amended by Treasury Decision 5929, approved September 2, 1952, is further amended by revising the second sentence of paragraph (g) thereof to read as follows: "For other payments not subject to tax, see §§ 130.54 and 130.60 to 130.64."

PAR. 10. Section 130.53, as amended by Treasury Decision 5929, is further amended by adding at the end of subparagraph (1) of paragraph (i) thereof the following: "(For information with respect to the exemption of amounts paid on or after November 1, 1951, for transportation, on or after that date, of persons on boats chartered for fishing purposes, see § 130.60a.)"

PAR. 11. Section 130.54, as amended by Treasury Decision 5929, is further amended by deleting the words "see §§ 130.60 to 130.63" appearing in the first sentence thereof and inserting in lieu thereof the words "see §§ 130.60 to 130.64".

PAR. 12. Immediately preceding § 130.59, there is inserted the following:

SEC. 493. EXEMPTION OF FISHING TRIPS FROM TAX ON TRANSPORTATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption.* Section 3469 (b) (relating to exemption of certain trips from the tax of transportation of persons) is hereby amended by striking out "or to amounts" and inserting in lieu thereof "to amounts", and by inserting after the words "one month or less" the following ", or to amounts paid for transportation by boat for the purpose of fishing from such boat".

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 13. Immediately following § 130.60 there is inserted the following new section:

§ 130.60a *Fishing trips.* No tax is imposed upon an amount paid on or after November 1, 1951, for transportation by boat, on or after that date, where the transportation is for the purpose of fishing from such boat.

PAR. 14. Immediately preceding § 130.64, there is inserted the following:

SEC. 494. TAX ON TRANSPORTATION OF PERSONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption of certain foreign travel.* Section 3469 (a) of the Internal Revenue Code (relating to tax on transportation of persons) is hereby amended by striking out the third sentence and inserting in lieu of such sentence the following: "In the case of transportation by water on a vessel which makes one or more intermediate stops at ports within the United States, Canada, or Mexico on a voyage which begins or ends in the United States and ends or begins outside the northern portion of the Western Hemisphere, no part of such transportation shall be considered for the purposes of the preceding sentence to be from any port within the United States, Canada, or Mexico to any other such port if the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers. A port or station within Newfoundland shall not for the purposes of the preceding two sentences, be considered as a port or station within Canada."

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this Act for transportation on or after such first day.

PAR. 15. Section 130.64, as amended by Treasury Decision 5929, is further amended as follows:

(A) By striking the third sentence in the first undesignated paragraph thereof.

(B) By inserting immediately following the first paragraph the following new undesignated paragraphs:

The tax does not attach to any part of a payment made on or after November 1, 1951, for transportation by water, on or after that date, on a vessel which makes one or more intermediate stops at ports within the United States, Canada, or Mexico, on a voyage between the United States and a port outside the northern portion of the Western Hemisphere, provided the vessel in stopping at any such intermediate port is not authorized both to discharge and to take on passengers.

In any case where the vessel in stopping at any such intermediate port is authorized or is permitted both to discharge and to take on passengers, the rules set forth in the first paragraph of this section apply. A vessel is authorized both to discharge and to take on passengers at the intermediate port unless there is a legal or other authoritative prohibition of such traffic. For the purposes of the preceding sentence, an order issued by the owner or operator of a vessel prohibiting such vessel from either discharging or taking on passengers at the intermediate port is not a legal or other authoritative prohibition of such traffic.

A port or station within Newfoundland shall not, for the purposes of the preceding paragraphs, be considered as a port or station within Canada.

(C) By inserting immediately following Example 6 thereof two new examples as follows:

Example 7. H purchases a steamship ticket in New York City for transportation from New York City to Southampton, England. The vessel on which H sails makes an intermediate stop during the course of such voyage at Boston, Massachusetts, to take on passengers. The vessel is not, however, authorized to discharge passengers at such port. No tax applies to the portion of the transportation between New York City and Boston, since H's voyage involved transportation between a port within the United States and a port outside the northern portion of the Western Hemisphere and the vessel on which H traveled was not authorized both to discharge and to take on passengers at the intermediate port at which it stopped.

Example 8. I purchases a steamship ticket in San Francisco for a voyage from San Francisco to Manila. The vessel on which he travels makes a stop at Honolulu to discharge passengers. The vessel is, however, permitted also to take on passengers at Honolulu. The tax applies to that portion of the transportation between San Francisco and Honolulu, since the vessel on which I traveled was permitted to both discharge and to take on passengers at Honolulu, the intermediate port at which it stopped.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: February 24, 1953.

ELBERT P. TUTTLE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-1894; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 678—STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on February 3, 1953 (18 F. R. 698-699), of my decision to approve the minimum wage recommendations of Special Industry Committee No. 12 for Puerto Rico for the Stone, Glass, and Related Products Industry in Puerto

Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice. Exceptions were filed by Ramos Hermanos, Inc., Bayamon, Puerto Rico, and Ceferino Prieto, Catano, Puerto Rico. All the arguments contained in the exceptions were considered by me at the time I made my original decision in this matter. The exceptions raised no new matters which would require change or modification of my previous decision.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 as amended (52 Stat. 1060 as amended; 29 U. S. C. 201) the said decision is affirmed and made final, the recommendations of Special Industry Committee No. 12 for Puerto Rico for the Stone, Glass, and Related Products Industry in Puerto Rico are hereby approved, and the wage order contained in this part is hereby revised to read as set forth in the February 3, 1953 issue of the FEDERAL REGISTER (18 F. R. 698–699), to become effective on the 30th day of March, 1953.

Signed at Washington, D. C., this 25th day of February 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

Sec.
678.1 Wage rates.
678.2 Notices of order.
678.3 Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 678.1 to 678.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. and Sup., 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. and Sup. 205.

§ 678.1 *Wage rates.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass and glass products division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the glass decorating division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the mica division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the concrete pipe division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) Wages at a rate of not less than 75 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hot asphaltic plant mix division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 678.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the stone, glass, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 678.3 *Definitions of the stone, glass, and related products industry in Puerto Rico and its divisions.* (a) The stone, glass, and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and other similar natural materials: *Provided, however,* That the definition shall not include the manufacture of chemicals, or the extraction of minerals used for such manufacture, or any product or activity included in the button, buckle, and jewelry industry, the cement industry, the clay and clay products industry, the construction, business service, motion picture, and miscellaneous industries, the jewel cutting and polishing industry, or the metal, plastics, machinery, instrument, transportation equipment and allied industries (as defined in the wage orders for these industries in Puerto Rico).

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part shall apply, are hereby defined as follows:

(1) *Glass and glass products division.* The manufacture of glass and glass products except the decorating of glass or glass products when performed in a non-glass making establishment.

(2) *Glass decorating division.* The decorating of glass or glass products when performed in a non-glass making establishment.

(3) *Mica division.* The processing of mica and the manufacture of mica parts for radio, television, or other electronic tubes or for other electrical products.

(4) *Concrete pipe division.* The manufacture of concrete pipe or conduit.

(5) *Hot asphaltic mix division.* The manufacture of hot asphaltic plant mix for paving.

(6) *General division.* All products and activities included in the stone, glass, and related products industry, as defined in this section, except those included in the glass and glass products division, the glass decorating division, the mica division, the concrete pipe division, and the hot asphaltic mix division, as defined in this section.

[F. R. Doc. 53–1896; Filed, Feb. 27, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 43]

GOR 43—PASS-THROUGH FOR BERYLLIUM, CHROMIUM, COBALT AND NICKEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 43 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general overriding regulation permits primary producers and further processors and manufacturers to increase their ceiling prices so as to pass on to their customers increases in the cost of beryllium, chromium, cobalt and nickel.

The ceiling price of beryllium copper master alloy (which is the basic beryllium-containing alloy) has already been increased by Supplementary Regulation (SR) 133 to the General Ceiling Price Regulation (GCPR), effective February 13, 1953. That ceiling price increase was made because of the increased cost of acquisition of imported beryl ore and copper. That part of the increase granted to producers and resellers of beryllium master alloy which is attributable to the increased cost of beryl ore and which may be passed on by subsequent processors under this regulation is 5.22 cents per pound of beryllium contained.

The ceiling prices of chromium metallurgical products (except stainless steel) have been increased on the producer's level by Ceiling Price Regulation (CPR) 180, effective November 25, 1952. The ceiling price increases effected by that regulation reflect the increased costs of chromium and amount approximately to 3 cents or 4 cents per pound of chromium contained, depending on the type of

product. It is that 3 or 4 cents per pound of chromium contained that may be passed on under this regulation by subsequent processors.

The ceiling prices of primary products processed from cobalt-metal (not including cobalt oxide) or primary nickel, including stainless steel, may be adjusted under this regulation. In the case of stainless steel, the adjustments permitted under this regulation reflect average cost increases caused by the increased prices of nickel and chromium. In the case of other products the adjustments reflect the increased costs of cobalt metal and chromium contained in the products. Although some loss in these materials occurs during the manufacturing process, the difficulty of measuring that loss made its consideration impracticable. On the other hand, for the same reason, no reduction in the amount of the permitted increase is required even if a processor avoids part of these cost increases by using scrap instead of virgin metal.

For the convenience of further processors, an appendix (marked Appendix A) is attached to this regulation which lists the primary products whose ceiling prices have been increased by other regulations or may be adjusted under this regulation because of the increased cost of beryllium, chromium, cobalt and nickel. That appendix indicates the amount of the increases that may be passed on by subsequent processors.

The pass-through provisions of this regulation are essentially similar to those of General Overriding Regulation (GOR) 35 which is the pass-through regulation for manufacturers using steel, pig iron, copper or aluminum. As the persons affected by this regulation are familiar with the considerations and provisions of GOR 35, it appears sufficient to explain here the differences between these two regulations.

The pass-through under GOR 35 is the increase in a supplier's selling price above his old (unadjusted) ceiling price. In this regulation the concept of the pass-through refers to the increase in a supplier's selling price above his previous selling price to the extent to which that increase reflects cost increases due to increased costs of the four materials enumerated above. This change of concept has been found advisable and, at least in part, necessary because some materials and products containing the four materials involved are exempt from price control and therefore have no ceiling prices.

However, the metals listed in the appendix are presumed to have been selling and to continue to sell at ceiling. Therefore, producers and manufacturers using these metals may determine the amount of the pass-through to which they are entitled on the basis of Appendix A—irrespective of the price actually paid for these products and without the necessity of obtaining from the supplier any notification of the amount of the increase.

Manufacturers who use commodities made from Appendix A products must be notified by the supplier about the pass-through increase. Whereas under GOR 35 (in accordance with the pass-through concept in that regulation) the supplier need only state in the notification his old ceiling price, this regulation requires that the notification should state the amount of the pass-through and that a new notification be given each time the same commodity is delivered at a different price.

Whereas the resale of the primary products covered by GOR 35 normally takes place through warehouses which are entitled to uniform markups, among the primary products covered by this regulation only a few are usually handled by warehouses at uniform markups. The rest of them are resold by distributors who sell either at the mill price (the distributor buying at a discount) or at individual markups. For this reason, it has not been practicable uniformly to determine and list the cost increases which the further processors of these products incur if buying from resellers as has been done in GOR 35. The problem thus raised is solved in this regulation in the following manner: A manufacturer who purchases more than 25 percent of an Appendix A product from resellers is given a choice of two methods for calculating the amount of the pass-through increase on that product. As a first alternative, he may disregard the fact that some (or all) of his purchases were made from resellers and determine the amount of the pass-through on the basis of the increases listed in Appendix A. A manufacturer electing that method may adjust his ceiling prices immediately after February 27, 1953, and needs no notification from his supplier. As a second alternative, the manufacturer may calculate the amount of his pass-through increase by the method applicable to manufacturers using commodities made of Appendix A products. In that case, he must request his reseller-supplier to notify him of the pass-through increase and may put his adjusted ceiling prices into effect only after he purchases a normal quantity of the product at an increased price and receives a notification of the amount of the pass-through.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

So far as practicable, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the applicable requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices, or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Coverage.
3. When you may make your adjustments.
4. General description of how you make your adjustments.

II—PRIMARY PRODUCERS

5. Adjustments by primary producers.

III—FURTHER PROCESSORS

6. Cost increases which entitle further processors to make an adjustment.
7. How to determine the amount of your cost increase on products listed in Appendix A.
8. How to determine the amount of your cost increase on manufacturing materials made from products listed in Appendix A.
9. How to calculate an adjusted ceiling price for an individual commodity.
10. How to calculate a group factor.
11. Option to propose an alternate method for calculating adjusted ceiling prices.
12. Subsequent adjustments.
13. Adjustment of ceiling prices for new, modified and minor-change commodities.
14. Integrated manufacturers and transferred materials.
15. Optional method for determining a uniform adjusted ceiling price for a commodity manufactured in two or more plants.
16. Excise, sales or similar taxes.
17. Rounding.

IV—MISCELLANEOUS PROVISIONS

18. Notification of "pass-through" increases.
19. Applicability of other OPS regulations to you.
20. Records and reports.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

I. GENERAL PROVISIONS

SECTION 1. *What this regulation does.* (a) This is an adjustment regulation. It permits manufacturers to adjust their ceiling prices in order to "pass-through" increases in costs resulting from price increases of beryllium, cobalt, chromium and nickel.

(b) The adjustments authorized for primary producers are set forth in section 5 and are listed in Appendix A. That appendix also lists price increases authorized by other regulations to primary producers which may be passed on under this regulation by subsequent processors.

(c) Subsequent processors calculate their adjustments on the basis of increases made by their suppliers. Where necessary, subsequent processors must be notified of the increases made by their suppliers.

(d) The adjustment provisions of this regulation do not apply to resellers since increases in manufacturers' prices may be passed through under the provisions of the applicable resellers' regulations.

However, at the request of a manufacturer who obtained from a reseller a material covered by this regulation, the reseller must notify the manufacturer of the amount of the increase taken.

SEC. 2. *Coverage.* (a) This regulation applies in the United States, its territories and possessions, and in the District of Columbia. The adjustment provisions cover producers of products listed in Appendix A to the extent set forth in section 5, and manufacturers who further process any of these products, or any commodity manufactured from them. However, no adjustments may be made by sellers under CPR 156, Fabricated Structural Steel, Miscellaneous and Ornamental Iron, and Vessel Shop Products for Field Assembly or Erection. This regulation provides for the use of current costs in the calculation of ceiling prices. Consequently, no adjustment for increased materials costs is required.

(b) The notification provision covers producers, manufacturers and resellers who sell any of these products or commodities to manufacturers.

SEC. 3. *When you may make your adjustments.* (a) The ceiling price adjustments authorized by this regulation may be made at any time convenient to you. You may decide for the present to make no adjustments or to take only part of your permitted increase. If so, you may later take whatever part remains, as well as any additional increases to which you may then be entitled.

(b) It may, in some cases, be desirable to make more than one adjustment. For example, a manufacturer who buys both mill products and fabricated parts, will be affected immediately by the increase in the cost of his mill products, while his fabricated-parts costs may not rise for some period of time. In that situation, he may well decide to avail himself promptly of the adjustment to which he is entitled on account of the increase in the cost of his mill products. He may, if he wishes, make later adjustments for the increase in the cost of the fabricated parts.

SEC. 4. *General description of how you make your adjustments.* (a) If you are the producer of a product listed in Appendix A for which a ceiling price adjustment is authorized by this regulation, section 5 tells you how to calculate your adjustment.

(b) If you are the further processor of a product listed in Appendix A or of a commodity manufactured from any such product, you must take the following steps to make your adjustment:

(1) You first find out what kind of cost increases entitle you to an adjustment. This is dealt with in section 6. You next learn how to determine the exact amount of the cost increase which may be reflected. This is spelled out in sections 7 and 8. Having found how to determine the kind and the amount of the cost increases which you may "pass through", you have a choice of two methods for adjusting the ceilings of the commodities to which the cost increases apply: An individual-commodity method and a group factor method.

(2) Under section 9 you allocate cost increases on an individual-commodity basis. You adjust the old ceiling of a commodity to reflect the particular cost increases which apply to it. Under section 10 cost increases are allocated on a group basis. You calculate a percentage adjustment factor which represents the average increase for a group of commodities. This factor may then be used to adjust the ceilings of each of the commodities in that group.

(c) If you cannot or are unable without undue burden to make your adjustments either by the individual-commodity method or by the group-factor method, you may propose an alternate method under section 11.

II—PRIMARY PRODUCERS

SEC. 5. *Adjustments by primary producers*—(a) *Beryllium, chrome.* If you produce products (other than stainless steel) in the production of which beryllium or chrome is used, your ceiling prices established under SR 133 to the GCPR and CPR 180, respectively, already reflect your increased costs for beryllium and chrome and you may not make adjustments under this regulation for the products listed in SR 133 to the GCPR and CPR 180. Appendix A specifies that part of your ceiling price which subsequent processors may pass on under this regulation.

(b) *Cobalt.* (1) If you produce products in the processing of which cobalt is used in the form of cobalt metal, you may increase your ceiling prices by 30 cents per pound of cobalt contained.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

(c) *Nickel.* (1) If you produce products in the processing of which primary nickel is used (other than stainless steel), you may increase your ceiling prices by 3½ cents per pound of nickel contained.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

(d) *Stainless steel.* (1) If you produce stainless steel you may increase your ceiling prices as follows:

(i) On stainless steel type "300" by 3 percent of the mill base ceiling price.

(ii) On stainless steel type "400" and "500" by 2 percent of the mill base ceiling price.

(2) You may round your ceiling prices adjusted under this paragraph to the nearest cent or fraction of a cent you normally employ. If you elect to round any ceiling price covered by this paragraph, you must round all such ceiling prices so as to reflect decreases as well as increases. (This rounding provision applies to you only. Subsequent processors may round their adjusted ceiling prices in accordance with section 17.)

III—FURTHER PROCESSORS

SEC. 6. *Cost increases which entitle further processors to make an adjustment.* (a) This section relates only to the kind of cost increases which entitle you to make an adjustment if you are a further processor of products listed in Appendix A or of a commodity manufactured from any such product. It does not cover either the amount of the cost increase or the method for making the adjustment.

(b) You may adjust your ceiling prices for cost increases incurred by you because of price increases taken by your suppliers under this regulation on any of the products listed in Appendix A or on any commodity made from them, provided you use such product or commodity as a "manufacturing material." The term "manufacturing material" includes only materials that enter directly into the commodities whose ceiling prices are being adjusted, and packaging materials and containers other than returnable containers. It does not include, for example, expendable tools or any materials used in replacing, maintaining, or expanding your plant and equipment.

(c) You need not, of course, make an adjustment for all eligible cost increases. For example, a manufacturer may be buying many different manufacturing materials from a large number of suppliers. However, only two of the increases entitling him to an adjustment are of real significance in his cost of production. He may, therefore, decide to limit his adjustment to the two important increases and ignore the rest.

SEC. 7. *How to determine the amount of your cost increase on products listed in Appendix A*—(a) *Purchases from the producer.* If you purchase any of the products listed in Appendix A directly from the producer, you may reflect in your adjustment the amount of the listed increases immediately after the effective date of this regulation. If you are unable to determine the amount of the applicable increase on the basis of Appendix A, you should request your supplier to notify you of that amount.

(b) *Purchases from resellers.* (1) If during your last complete fiscal year ending not later than December 31, 1952, you bought more than 25 percent (by weight) of a product listed in Appendix A from resellers, you have a choice of two methods for determining your cost increase on that product.

(2) The first method is that described in paragraph (a) of this section. If you elect to use that method you treat all your purchases of the Appendix A products involved as if they were purchases from the producer.

(3) The second method is that described in section 8. If you elect to use that method you treat all your purchases of the Appendix A products involved as

if they were purchases of manufacturing materials made from Appendix A products.

SEC. 8. *How to determine the amount of your cost increase on manufacturing materials made from products listed in Appendix A*—(a) *Where 75 percent or more of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than December 31, 1952.* (1) You may reflect in your adjustment for a particular manufacturing material the selling price increase which your largest regular supplier has taken under this regulation. You may not make an adjustment until (i) you have received a shipment from your largest regular supplier, in an amount equal to a normal order, at a price increased under this regulation; and (ii) he has given you appropriate notification of his increase, as required by section 18. However, if you are unable to obtain delivery of that particular material from your largest regular supplier, and you have obtained a shipment in an amount equal to a normal order from another supplier of the same class, you may make your adjustment on the basis of the selling price increase taken by that supplier for sales to the class of purchaser to which you belong.

(2) If you are unable to obtain notification from your supplier of the increase taken by him under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 8 (a) (2) of GOR 43" and must contain the following:

(i) A statement that you were unable to obtain an appropriate notification from your supplier.

(ii) A statement of the steps taken by you in order to obtain such a notification, or the reason why such efforts would have been futile.

(iii) The proposed amount of the adjustment of your ceiling prices.

(iv) Data showing how you calculated the proposed adjustment.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

(b) *Where less than 75 percent of the particular manufacturing material was bought from one class of supplier during your last complete fiscal year ending not later than December 31, 1952.* You have a choice of two methods:

(1) Under the first method you may reflect in your adjustment the selling price increase taken by the manufacturing supplier from whom you bought the largest amount of the particular material during your last fiscal year ending not later than December 31, 1952. You may not make an adjustment until (i) you have received a shipment from your largest manufacturing supplier in an amount equal to a normal order, at a price increased under this regulation; and (ii) he has given you appropriate notification of his increase as required by section 18. However, if you are unable to obtain delivery of the particular material from your largest manufacturing supplier, and you have obtained shipment in an amount equal to a normal order from another manufacturing supplier, you may make an adjustment on the basis of the selling price increase taken by that supplier under this regulation for sales to the class of purchaser to which you belong.

(2) Under the second method you may reflect in your adjustment an average selling price increase weighted on the basis of the amount of the material bought from each class of supplier during your last complete fiscal year, ending not later than December 31, 1952, calculated as follows:

(i) Multiply the physical amount bought from all manufacturing suppliers, by the increase taken by your largest manufacturing supplier.

(ii) Multiply the physical amount bought from all resellers by the increase taken by your largest reseller.

(iii) Add the results of subdivisions (i) and (ii). Divide this sum by the total quantity of the manufacturing material bought from all sources. This gives you the average increase you are permitted to pass through in making your adjustment.

(3) You may not make an adjustment under this second method until first, you have received a shipment from your largest manufacturing supplier and from your largest reseller, each in an amount equal to a normal order, and at a price increased under this regulation; and, second, you have received appropriate notification of increases as required by section 18. However, if you are unable to obtain delivery of the particular material from either supplier, and you have obtained shipment in an amount equal to a normal order from another supplier of the same class, you may make an adjustment on the basis of the selling price increase taken by that supplier for sales to the class of purchaser to which you belong.

(4) If you are unable to obtain notification from your supplier of the increase taken by him under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 8 (b) (4) of GOR 43" and must contain the following:

(i) A statement that you were unable to obtain an appropriate notification from your supplier.

(ii) A statement of the steps taken by you in order to obtain such a notification or the reason why such efforts would have been futile.

(iii) The proposed amount of the adjustment of your ceiling prices.

(iv) Data showing how you calculated the proposed adjustment.

The Director of Price Stablization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

SEC. 9. *How to calculate an adjusted ceiling price for an individual commodity.* To calculate an adjusted ceiling price for an individual commodity you must do the following:

(a) List the physical amount, used in the production of one unit of the commodity, of each "manufacturing material" for which you are entitled to make an adjustment, and for which you have decided to make one. The "unit" of the commodity is the one in which you customarily quote your price, for example, each, dozen, gross, thousand, pound, ton.

(b) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in paragraph (a) of this section. The increase should be shown on the basis of the unit in which you normally buy the materials, for example, each, dozen, gross, thousand, pound, ton.

(c) Multiply the physical amount of each material listed in paragraph (a) by its cost increase listed in paragraph (b) of this section. This gives you the adjustment to which you are entitled for each manufacturing material.

(d) Add up the individual increases found in paragraph (c) of this section. This gives you the dollar-and-cent figure representing your total adjustment. You add this to the ceiling price of the commodity, to its largest buying class of purchaser, in order to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials, between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not calculate an adjusted ceiling price for any individual commodity which belongs to a group of commodities for which you have determined an adjustment factor under section 10.

SEC. 10. *How to calculate a group factor.* (a) You may calculate a group factor for any unit of your business not larger than a plant. You may use a unit smaller than a plant if you keep accounting records adequate to permit you to make the necessary calculations. You may calculate a group factor for your entire business if you operate in a single plant. If you choose this method, you must use it for all commodities made in the unit of your business which you have used. You cannot make a section 9 adjustment for any commodity produced in that unit of your business.

(b) List the physical amount used by the unit of your business during your last complete fiscal year ending not later than December 31, 1952, of each manufacturing material for which you are entitled to make an adjustment, and for which you have decided to make one.

(c) List the dollar-and-cent amount of the cost increase which you are permitted to reflect for each of the materials listed in paragraph (b) of this section. The increase should be shown on the basis of the unit or quantity in which you normally buy the material, for example, each, dozen, gross, thousand, pound, ton.

(d) Multiply the physical amount of each material listed in paragraph (b) by its price increase found in paragraph (c) of this section.

(e) Add up the individual increases. This gives you the total materials cost increase which you are permitted to take.

(f) Divide the result under paragraph (e) of this section by the net sales of all commodities produced in that unit of your business during your last complete fiscal year ending not later than December 31, 1952, adjusted (as indicated below) for changes in your finished-goods inventory and for transfers to other units of your business. (You must use the same fiscal year used in paragraph (b) of this section.) The resulting percentage is your group factor.

(1) The inventory adjustment is made as follows:

(i) Find the values at the beginning and at the end of your last complete fiscal year of your finished-goods inventory for the unit of your business. You must use the value as shown on the records which you keep for tax purposes.

(ii) Add the value of your end-of-the-year inventory to your net sales.

(iii) From the total under subdivision (ii) of this subparagraph subtract the value of your beginning-of-the-year inventory. This gives you the figure by which you divide the result under paragraph (e) of this section.

(2) You must include in net sales the value of any commodity or material transferred from that unit to another unit of your business. The value shall be that shown on your records. If your records do not show a value, for the material or commodity transferred from a unit of your business, you may not use that unit for making your calculations.

(3) To obtain an adjusted ceiling price for a commodity included in the unit of your business you multiply the ceiling price of the commodity, to its largest buying class of purchaser, by the group factor. This gives you a dollar-and-cents figure which you add to the ceiling price of the commodity, to its largest buying class of purchaser, to obtain your adjusted ceiling price. For sales to other classes of purchasers you apply your customary differentials between classes of purchasers. You must continue to use the same terms and conditions of sale.

NOTE: You may not apply the group factor to any commodity which does not contain at least one of the materials listed in paragraph (b) even though that commodity is made by the unit of your business for which the factor was determined.

SEC. 11. *Option to propose an alternate method for calculating adjusted ceiling prices.* If you find that you cannot or are unable without undue burden to calculate adjusted ceiling prices under either section 9 or section 10, you may propose an alternate method. An alternate method will be approved only where the use of section 9 or section 10 would be impossible or unduly burdensome. You should submit your proposed method in writing to the Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 11 of GOR 43" and must include the following:

(a) A statement of the reasons why the use of sections 9 and 10 would be impossible or unduly burdensome.

(b) A detailed step-by-step description of the method you propose.

(c) A statement based on examples using a few representatives commodities which would indicate that your proposed method produces substantially the same results as would be obtained by the use of sections 9 and 10.

The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless and until you have received written approval from him you may not use your proposal.

SEC. 12. *Subsequent adjustments.* (a) You may wish to make more than one adjustment in order to reflect cost increases, not reflected in your previous adjustment, to which you are entitled under this regulation. If you have calculated an individual-commodity adjustment under section 9, you may simply add the additional increases, calculated under section 9, to your previously adjusted ceiling price.

(b) If you have calculated a group adjustment factor under section 10, there are two ways of obtaining a new group factor. First, you may make the calculations prescribed by section 10, using both the old increases, reflected in your first group factor, and the additional increases which you now wish to reflect. Second, you may calculate a separate factor under section 10, representing only the additional increases not reflected in your first adjustment. This separate factor must then be added to your original group factor to give you your new group factor. Whether you use the first or the second method, the new group factor must be applied to the unadjusted ceiling prices of the commodities included in the group.

(c) You may not change the unit of your business to which the group factor applies. The new group factor must apply to the same unit to which the old factor applies. However, group factors may be applied to new commodities brought out in the unit of your business to which the factor applies. This is spelled out in section 13.

SEC. 13. *Adjustment of ceiling prices for new, modified, and minor-change commodities.* You may adjust under this regulation ceiling prices established under the new commodity provisions of the basic regulation covering your commodities. The way you make your adjustment will depend on how the ceiling price of the new commodity is established.

(a) *Ceiling prices established by a comparison technique.* The ceiling price of any "modified" commodity, any "minor-change" commodity, or any other new commodity which is established by reference to the unadjusted ceiling price of a comparison commodity may be adjusted in one of two ways.

(1) If the new commodity is made in a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made in a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 9.

(b) *Ceiling prices established by reference to competitors' prices*—(1) *Where established before February 27, 1953.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 9.

(2) *Where established after February 26, 1953.* There are two alternatives:

(i) If your competitor adjusts under this regulation the ceiling price which you "borrowed," you may make a comparable adjustment of your ceiling price.

(ii) Whether or not your competitor adjusts the ceiling price which you borrowed, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling price. Your application must be identified as an "Application under section 13 (b) (2) of GOR 43" and must include a statement of the amount of the increase in the cost of your manufacturing materials resulting from increases in the cost of products listed in Appendix A, or of selling price increases taken by your suppliers under this regulation of commodities made from such products. You can combine this application with the initial report that may be required in order to establish the ceiling price under your basic regulation. In other words, you may request that increased beryllium, chromium, cobalt and nickel costs be reflected immediately.

(c) *Ceiling prices established by letter order*—(1) *Where established before October 1, 1951.* (i) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(ii) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual commodity adjustment under section 9.

(2) *Where established between October 1, 1951, and February 26, 1953, inclusive.* (i) If, in your opinion, the ceiling prices established by letter order do not reflect cost increases which you may pass through under this regulation, you may apply in writing to the Office of Price Stabilization, Washington 25, D. C., for an adjustment of your ceiling prices. Your application must be identified as an "Application under section 13 (c) (2) of GOR 43" and must include the letter order number and a statement of the amount of the increase in the cost of your manufacturing materials resulting from increases in the cost of products listed in Appendix A, or of price increases taken under this regulation of commodities made from such products and a proposal for the amount of the adjustment.

(ii) The Director of Price Stabilization may approve your proposal in whole or in part, modify or reject it. Unless

and until you have received written approval from him you may not use your proposal.

(3) *Where established after February 26, 1953.* The letter order establishing your ceiling price will indicate whether and how you may make an adjustment. The order will also indicate how you must determine the "pass through" increase of which you must notify your purchaser in compliance with section 18.

(d) *Ceiling prices established by a manufacturer's individual formula.* You may adjust a ceiling price calculated by an individual formula established under the basic regulation covering your commodities. There are two ways in which such a ceiling price can be adjusted.

(1) If the commodity is made by a unit of your business for which you have calculated a group factor under section 10, you may apply that factor to the ceiling price of the new commodity.

(2) If the new commodity is not made by a unit of your business for which you have calculated a group factor, you may make an individual-commodity adjustment under section 9.

SEC. 14. *Integrated manufacturers and transferred materials.* (a) This section deals with a manufacturing material which you produce in one unit of your business and transfer to another unit of your business where it is used in producing a commodity whose ceiling price you wish to adjust. Such a manufacturing material (which is referred to as a "transferred material") may also be sold to another person.

(b) You may make an adjustment for the cost increase to which you are entitled, at any stage of processing where it is convenient for you to do so. However, regardless of the stage at which you decide to make your adjustment, you may not make an additional adjustment at a subsequent stage, for the same material, but must simply pass through the adjustment made at the earlier stage. Therefore, the adjustment permitted on a commodity can in no event exceed the increases on the materials going into it. Records must be kept, indicating how adjustments for transferred materials were made between different units of your business.

SEC. 15 *Optional method for determining a uniform adjusted ceiling price for a commodity manufactured in two or more plants.* If the commodity whose ceiling prices you are adjusting is manufactured in more than one of your plants, and is customarily sold at a uniform price, but in adjusting the ceiling price for each plant different ceiling prices result, you may compute a uniform ceiling price. To do this, you first determine the adjusted ceiling price for each plant and multiply it by the number of units of the commodity sold from that plant during your last complete fiscal year. You then divide the total dollar amount of such sales from all plants by the total number of units sold from all plants. The resulting figure is your uniform ceiling price for the commodity.

SEC. 16. *Excise, sales or similar taxes—*(a) *Where the tax is included in your selling price.* (1) If your unadjusted ceiling price for a commodity includes any excise, sales or similar tax which is not separately stated, you must first ascertain the amount of such tax and exclude it from your unadjusted ceiling price. Your unadjusted ceiling price, with such tax so excluded, may then be used in making any appropriate computations for determining your adjusted ceiling price. After completing the computations, you may then add on the appropriate amount of such tax for inclusion as part of your adjusted ceiling price.

(2) If subsequent to the establishment of an adjusted ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(3) If, subsequent to the establishment of any adjusted ceiling price, any excise, sales or similar tax is first imposed or any such tax which had been included in your ceiling price is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or the increase in such tax.

(b) *Where the tax is separately stated and collected.* If your unadjusted ceiling price for a commodity did not include any excise, sales or similar tax you may in addition to your adjusted ceiling price, determined under this regulation, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after you make your adjustment, you may, in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increase or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

SEC. 17. *Rounding.* Cost increases on particular manufacturing materials, and group factors calculated under section 10 may only be rounded downwards. Adjusted ceiling prices may be rounded in the manner prescribed in the basic regulation applicable to the particular commodity.

IV—MISCELLANEOUS PROVISIONS

SEC. 18. *Notification of pass through increases.* (a) You must notify your purchaser of your price increase taken under this regulation if (1) you are the producer of a commodity made from any product listed in Appendix A or from any commodity made from such products; and (2) your purchaser buys your product or commodity for use as a further manufacturer or reseller. Your notification must be delivered together with your first invoice covering a sale at the increased price and with every further invoice covering the first sale of the same product or commodity at a price which includes an additional increase taken under this regulation.

(b) At the request of your purchaser, you must notify him of your price increase taken under this regulation if you are the producer of any product listed in Appendix A. You must mail your notification within 14 days after the receipt of the request.

(c) At the request of your purchaser, you must notify him of your price increase made in consequence of your supplier's price increases taken under this regulation if you are a reseller of any of the products or commodities covered by paragraphs (a) and (b) of this section. Normally that price increase will be equal to the price increases taken by your suppliers under this regulation plus your markup on those increases. You must mail your notification within 14 days after the receipt of the request.

SEC. 19. *Applicability of other OPS regulations to you.* All the provisions of the regulations under which your ceiling prices are presently established continue to be applicable to you except to the extent that they are expressly inconsistent with this regulation. Wherever such provisions refer to ceiling prices "established under this regulation," or use equivalent language, your ceiling prices as adjusted under this general overriding regulation are included. This means that you will continue to look to these regulations to find, for example, what records and reports you are required to keep, in addition to those required by this regulation, or what acts are prohibited.

SEC. 20. *Records and reports—*(a) *Record-keeping requirements.* In addition to the records and reports required by other OPS regulations applicable to you, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have correctly computed your ceiling price adjustment under this regulation. You must preserve your suppliers' notifications to you of their "pass through" price increases, and copies of invoices, paid bills or similar data to show the materials costs you used in computing a ceiling price adjustment under this regulation. The records to be preserved under this paragraph include appropriate work sheets.

(b) *Reports.* The Director of Price Stabilization may from time to time require information or reports subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

SEC. 21. *Definitions.* The definitions in the basic regulation covering your commodities shall apply to all terms in this regulation, except where one of the following definitions applies, or where the context requires otherwise.

Class of supplier. There are two classes of suppliers: manufacturers and resellers.

Largest regular supplier. This means a regular supplier of yours from whom in the most recent representative period you have purchased the largest quantity of a particular material. If you are purchasing a material for the first time your first supplier may be regarded as your "largest regular supplier."

Selling price increase taken under this regulation. This means the lower of the following two figures: (1) The amount of the ceiling price adjustment granted by this regulation; or (2) the price increase actually taken after February 26, 1953. If the product was not sold or offered for sale in the period June 25, 1950 to February 26, 1953, inclusive, and, therefore, the notion of a "price increase actually taken after February 26, 1953" is not applicable, the "selling price increase taken under this regulation" is equal to the amount of the ceiling price adjustment granted by this regulation unless the contrary is established by a letter order or can be established on the ground of a comparison with price increases taken under this regulation on similar products. "Price increase taken under this regulation" and "Price increased under this regulation" have corresponding meanings.

Effective date. This General Overriding Regulation 43 is effective February 27, 1953.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

FEBRUARY 27, 1953.

APPENDIX A

GROUP A

	Per pound of beryllium contained (cents)
1. Beryllium copper master alloy	5.22

GROUP B

Chromium metallurgical products (except stainless steel)

	Per pound of chromium contained (cents)
1. High carbon ferrochrome	3
2. "SM" grade ferrochrome	3
3. Low carbon ferrochrome (except "SM" grade)	4
4. Ferrochrome silicon	4
5. Ferrosilicon chrome	4
6. Chrome manganese silicon alloys	4
7. Chromium metal	4

GROUP C

	Per pound of cobalt contained (cents)
1. Products in the production of which cobalt metal is used	30

GROUP D

	Per pound of nickel contained (cents)
1. Products in the production of which primary nickel is used	3½

GROUP E

	Percent of mill base ceiling price
1. Stainless steel type "300"	3
2. Stainless steel types "400" and "500"	2

[F. R. Doc. 53-1965; Filed, Feb. 27, 1953; 11:11 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-41, as Amended February 27, 1953]

M-41—METALWORKING MACHINES—DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of NPA Order M-41 as originally issued, and as heretofore from time to time amended, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, in the formulation of the amendments in this amended order, consultation with industry representatives, including trade association representatives, has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M-41, as amended November 17, 1952, by making certain changes, among which are the following:

1. To effectuate a policy of permitting the acceptance of unrated orders for metalworking machines of the classifications listed in Exhibit D,

(a) Section 3 has been deleted;

(b) In section 4, paragraph (b) has been deleted; the second sentence of paragraph (c) has been redesignated paragraph (b); provisions for scheduling orders for machine tools on Exhibit D have been inserted in the rest of paragraph (c); and section 4, as rewritten, has been redesignated section 3; and

(c) The last sentence of section 13 has been deleted.

2. Sections 5 through 18 have been redesignated sections 4 through 17.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Allocation of deliveries to service and other purchasers.
4. Distribution of production among service groups.
5. Treatment of fractions.
6. Operation of Numerical Preference List.
7. Information to be furnished with new purchase orders.
8. Changes and amendments.
9. Rejection of rated orders.
10. Effect of this order on NPA Reg. 2.
11. Replacement parts.
12. Pool orders.
13. Applications for ratings for metalworking machines.
14. Requests for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order regulates the delivery of metalworking machines. It requires all producers to schedule their deliveries in accordance with the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed on Exhibit A, appearing at the end of this order, and has a producer's list price for the basic machine itself of $1,000 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all fixtures, equipment, and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Service group" means a subdivision of the Department of Defense. For the purposes of this order, there are deemed to be seven such subdivisions, consisting of the following: Ordnance, Army less Ordnance, Bureau of Ordnance (Navy), Bureau of Ships (Navy), Miscellaneous Bureaus and Offices (Navy), Bureau of Aeronautics (Navy), and Air Force.

(d) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(e) "Other purchasers" means all purchasers other than service purchasers, whether or not a DO rating has been assigned to their purchase orders.

(f) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this order, unless he is hereinafter authorized to use a different classification. Producers may apply for such permission by letter to the National Production Authority (hereinafter called "NPA").

(g) "Firm order" means an order which is accompanied by specification or other description of a metalworking machine in sufficient detail to enable a

producer to place such machine in his production schedule.

(h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(i) "GSA" means the United States Government agency known as the General Services Administration, created under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377); or such other Federal agency to which the Defense Materials Procurement Agency may hereafter redelegate the functions specified or described in section 12 of this order under E. O. 10281 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061–2166); or the Defense Materials Procurement Agency if said agency does not redelegate such functions.

SEC. 3. *Allocations of deliveries to service and other purchasers.* (a) Starting March 1, 1953, and on the first of each succeeding month, each producer shall schedule his deliveries of each size of metalworking machines in accordance with the provisions of this section for the fourth ensuing month, for example, deliveries for the month of June would be scheduled on March 1st.

(b) If a producer can fill from his production all orders requiring deliveries in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule so as to fill all such orders.

(c) If a producer cannot fill from his production all orders requiring delivery in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled, he shall arrange his schedule so as to deliver to service purchasers (i) all such orders up to 70 percent of his production of each size of the classifications listed in Exhibit D of this order, and (ii) all such orders up to 60 percent of each size of any classification not listed in Exhibit D.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production in that month of any size of the classifications listed in Exhibit D, he shall not be required in any such case to schedule for delivery more than 70 percent to service purchasers, even though there be fewer rated orders from other purchasers than the equivalent of 30 percent of his production of such size. To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 60 percent of his production in that month of any size of any classification not listed in Exhibit D, he shall not be required in any such case to schedule for delivery more than 60 percent to service purchasers, even though there be fewer rated orders from other purchasers than the equivalent of 40 percent of his production of such size.

(3) To the extent that there remains any balance of his production unscheduled for that month, after scheduling his deliveries to service purchasers in accordance with subparagraphs (1) and (2) of this paragraph, a producer shall schedule such balance for such month so as to fill all rated orders from other purchasers to the extent possible, and if any balance still remains, he may thereafter fill unrated orders.

SEC. 4. *Distribution of production among service groups.* In connection with scheduling deliveries for each month pursuant to section 3 of this order, each producer shall schedule deliveries among the several service groups as follows:

(a) Subject to the provisions of this paragraph, each producer shall determine the number of orders on his books for each size of metalworking machine for each of the seven service groups as of 90 days prior to the first day of the month being scheduled, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his records of orders. Only those orders which by their terms require delivery in the month being scheduled or in a month previous thereto shall be counted. The number of orders so determined for each such size and service group shall be termed the "net backlog" of each service group for that size of metalworking machine.

(b) Each producer shall then determine the "total net backlog" of all service groups by adding together the orders for each particular size of metalworking machine as determined for each service group in accordance with the provisions of paragraph (a) of this section.

(c) Each producer shall then determine, in accordance with the provisions of section 3, the total number of metalworking machines of a particular size being scheduled for all service groups for that month and such total shall be termed the "total service group quota." The quota of each size of metalworking machine for any particular service group shall be that proportion of the total service group quota which the net backlog of such particular service group bears to the total net backlog. Each producer shall then schedule deliveries for the month being scheduled so that each service group shall be scheduled for its service quota for that month, determined as provided in this section.

(d) During each month each producer shall deliver for each service group the number of metalworking machines of each size equal to its quota of that size for that month. However, no producer shall schedule delivery of any metalworking machine for any service group earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders for the same size of metalworking machine are being met.

SEC. 5. *Treatment of fractions.* Where the number of metalworking machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole metalworking machine) for any one month and such fraction is less than one-half, it shall be counted in computing the next month's service quota. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half, and there is only one remaining metalworking machine to which such fraction can apply, such metalworking machine shall be allotted to the service group having the largest service quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other service quota or quotas for the next month.

SEC. 6. *Operation of Numerical Preference List.* A Numerical Preference List will be supplied to producers. This list will be designated "Restricted." In connection with scheduling deliveries for each month pursuant to sections 3 and 4 of this order, this list shall determine the sequence of scheduling of purchase orders for delivery as between service purchasers within each service group as follows:

(a) In scheduling purchase orders for delivery, service purchasers who are on the list shall take precedence over service purchasers who are not on the list.

(b) As between purchase orders having conflicting required delivery dates, delivery of which is to be made to service purchasers on the list within the particular service group, the purchase order of the service purchaser with the higher urgency standing shall be scheduled for delivery ahead of the service purchaser with the lower urgency standing. The highest urgency standing is No. 1.

(c) Scheduling for delivery to a subcontractor or a subcontractor of a subcontractor shall be made in accordance with the urgency standing of his prime contractor and the prime contract number. However, no such subcontractor may use the urgency standing of the prime contractor unless such use is approved by the prime contractor and endorsed by the service department, supply arm, or bureau concerned.

(d) If the urgency standing certified by the purchaser differs from the urgency standing shown for the particular contractor for the particular contract in question on the Numerical Preference List, the latter shall govern.

(e) If the urgency standing of a prime contract is changed by virtue of a revision of the Numerical Preference List, a producer shall not require the purchaser to furnish the new urgency standing, provided such purchaser has furnished to the producer all of the information required under section 7 of this order.

(f) Regardless of the urgency standing certified with the purchase order, no delivery of metalworking machines shall be made prior to the required delivery dates, unless all required delivery dates on other orders for the same size of metalworking machines are being met.

(g) Changes may be made in the Numerical Preference List from time to time by NPA. Such changes will be effective when scheduling for the next "delivery month." If an interim change is made, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take the position in the sequence of deliveries as indicated by the following example: Urgency standing 92.1 will be delivered after 92 and before 93. Complete revisions of the Numerical Preference List may be made from time to time and at such times the interim changes will be integrated in the revised Numerical Preference List. Such revised Numerical Preference List will use whole numbers and will be dated. Scheduling under this order will be controlled by the Numerical Preference List in force on the date of scheduling, irrespective of the urgency standing furnished by the purchaser at the time of the placing of the order. If a producer is unable to identify what urgency standing is the correct one for a particular purchase order, he must request from the purchaser the information necessary to establish the urgency standing and may delay scheduling such purchase order for production until he has received such information.

(h) The sequence of conflicting deliveries to service purchasers who are not listed on the Numerical Preference List within each service group shall be determined in accordance with the provisions of NPA Reg. 2.

SEC. 7. *Information to be furnished with new purchase orders.* (a) All purchasers must indicate specifications or other descriptions of the metalworking machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and the required delivery date thereof.

(b) All service purchasers must indicate the service group which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used, and the specific prime contract number and the urgency standing, if any. If such service purchaser is a subcontractor or a subcontractor of a subcontractor, he must also state the name of the prime contractor.

(c) Any other purchaser must indicate the claimant agency, if any, which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used.

SEC. 8. *Changes and amendments.* Notwithstanding any other provision of this order, NPA may amend this order and any of its exhibits, may direct or change any schedule of production or delivery of metalworking machines, allocate any order for metalworking machines from one producer to another producer, and divert or otherwise direct the delivery of any metalworking machine from one person to another person.

SEC. 9. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

SEC. 10. *Effect of this order on NPA Reg. 2.* To the extent that this order is in conflict with NPA Reg. 2, the provisions of this order shall control. In all other respects, NPA Reg. 2 shall continue in full force and effect.

SEC. 11. *Replacement parts.* CMP Regulation No. 5 as now effective or as hereafter amended, or any other NPA order or regulation concerning maintenance, repair, and replacement items, shall control with respect to the delivery by a producer of repair and replacement parts, irrespective of any provisions contained in this order.

SEC. 12. *Pool orders.* NPA will from time to time furnish GSA with recommendations for ordering metalworking machines. Under a working arrangement between GSA and NPA, GSA will place firm orders (herein sometimes called "pool orders") with producers of metalworking machines in accordance with such recommendations. The pool orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after the date therein specified, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) by such producer to others pursuant to purchase orders from others or to orders and directions of NPA.

SEC. 13. *Applications for ratings for metalworking machines.* A person other than a service purchaser who desires a rating for a metalworking machine and who believes he is eligible for such a rating, may apply for such rating on Form NPAF–138 (Revised) to the National Production Authority, Washington 25, D. C. Nothing in this section shall be construed to limit or supersede any existing NPA delegation, regulation, or order, or to affect the assigning or applying of a rating pursuant thereto, or to affect the making of applications for a rating by any person eligible therefor to a delegate agency or pursuant to another NPA regulation or order.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–41.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect March 1, 1953.

Issued February 27, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

EXHIBIT A OF NPA ORDER M–41

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition machinery.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.

Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines, except physical property test equipment.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

EXHIBITS B AND C OF NPA ORDER M-41

(Discontinued)

EXHIBIT D TO NPA ORDER M-41

I. Boring machines:
(a) Vertical boring and turning machines, 54 inches and larger.
(b) Vertical boring and turning machines, all automatic cycle.
(c) Horizontal boring, drilling, and milling machines—table, floor, and planer type—4-inch spindle and larger.
(d) Jig-boring machines.
II. Die-sinking machines:
(a) Manual type.
(b) Automatic type.
III. Drilling machines:
(a) Radial drilling machines.
IV. Gear-cutting machines:
(a) Gear-hobbing machines—6-inch pitch diameter by 10-inch face and smaller.
V. Grinding machines:
(a) Long bed surface grinders—60 inches travel and larger.
(b) Table-type, single-head, nonautomatic, rotary surface grinders—30 inches capacity and larger.
(c) Jig-grinding machines.
(d) Face-coupling grinders.
VI. Lathes:
(a) Duplicating and tracer type.
(b) Turret lathes, saddle type, 3½ inches bar capacity and larger.
VII. Milling machines:
(a) No. 4 and larger—knee and column type and bed type.
(b) Planer or rail type mill.
(c) Duplicating or copying type.
(d) Skin-milling machines.
(e) Spar-milling machines.
(f) Jig-milling machines.
VIII. Planers:
(a) 60 inches by 60 inches double housing and larger.
(b) 48 inches open side and larger.
IX. Shapers:
(a) Breech ring shapers.

[F. R. Doc. 53-1974; Filed, Feb. 27, 1953; 11:32 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 124 to Schedule A]

[Rent Regulation 2, Amdt. 121 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY AND PENNSYLVANIA

Effective February 28, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey				
(190) Northeastern New Jersey.	B	In ESSEX COUNTY, the cities of East Orange, Newark and Orange, the townships of Caldwell, Cedar Grove, Livingston and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange and all unincorporated localities; in MIDDLESEX COUNTY, the cities of New Brunswick, Perth Amboy and South Amboy, the townships of Cranbury, East Brunswick, Madison, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield and South River, and all unincorporated localities; MONMOUTH COUNTY, except the boroughs of Fair Haven, Farmingdale, Redbank and Seabright, and all incorporated localities in the borough of Allentown, and the townships of Howell, Millstone and Upper Freehold; in SOMERSET COUNTY, the townships of Bridgewater and Franklin, and the Boroughs of Bound Brook, Manville, Raritan, Somerville and South Bound Brook, and all unincorporated localities; in UNION COUNTY, the cities of Elizabeth, Linden and Rahway, the townships of Cranford, Hillside and Union, the town of Westfield, the boroughs of Garwood, Roselle and Roselle Park, and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
	C	MONMOUTH COUNTY, except the boroughs of Allentown, Fair Haven, Farmingdale, Redbank, Roosevelt and Seabright, and the townships of Howell, Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952.
Pennsylvania				
(272) Williamsport	B	In LYCOMING COUNTY, the borough of Montgomery.	Mar. 1, 1942	Nov. 1, 1942
	B	In NORTHUMBERLAND COUNTY, the city of Sunbury and the borough of Northumberland; in SNYDER COUNTY, the borough of Selingsgrove; in UNION COUNTY, the borough of Lewisburg.	do	Dec. 1, 1942
	B	In CLINTON COUNTY, the borough of Renovo	do	Feb. 1, 1944

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of Howell in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area.

These amendments also decontrol:

(1) The City of Williamsport in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act, and

(2) The remainder of the Williamsport Defense-Rental Area, except those localities specified above as remaining under rent control.

[F. R. Doc. 53-1889; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 1, Amdt. 39 to Schedule B]

[Rent Regulation 2, Amdt. 40 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO AND COLORADO

Effective February 27, 1953, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. A new Item 84 is added to Schedule B of Rent Regulation 1 and a new Item

91 is added to Schedule B of Rent Regulation 2 reading as follows:

91. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A):

Decontrol of a specified class of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated in Franklin County, Ohio, with respect to non-housekeeping furnished housing accommodations located within a single dwelling unit not used as a rooming or boarding house, but only if (a) no more than two paying tenants, not members of the landlord's immediate family, live in such dwelling unit, and (b) the remaining portion of such dwelling unit is occuplied by the landlord or his immediate family.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. A new Item 92 is added to Schedule B of Rent Regulation 2 reading as follows:

92. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A):

Decontrol of a specified class of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation is terminated in Franklin County, Ohio, with respect to rooms which on January 7, 1953, were furnished, located in a rooming house, did not contain any housekeeping facilities, and the rental of which did not include any facilities for cooking or cooking privileges.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

3. A new Item 93 is added to Schedule B of Rent Regulation 2 reading as follows:

93. Provisions relating to Erie County, Ohio, a portion of the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):

Decontrol of daily rates for a specified class of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation for controlled rooms in tourist homes in Erie County, Ohio, is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

4. A new Item 94 is added to Schedule B of Rent Regulation 2 reading as follows:

94. Provisions relating to the Pueblo, Colorado, Defense-Rental Area (Item 46 of Schedule A):

Decontrol of specified classes of housing accommodations. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation to all trailers and trailer spaces in the Pueblo, Colorado, Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1890; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 3, Amdt. 119 to Schedule A]

[Rent Regulation 4, Amdt. 61 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

NEW JERSEY, COLORADO, AND PENNSYLVANIA

Effective February 28, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Item 190 of Schedule A of Rent Regulation 4, is amended to read as follows:

Name of defense rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(190) Northeastern New Jersey.	New Jersey...	MONMOUTH COUNTY, except the Boroughs of Allentown, Fair Haven, Farmingdale, Redbank, Roosevelt and Seabright, and the townships of Howell, Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952

2. Item 46 and Item 272 of Schedules A of Rent Regulation 3 and Rent Regulation 4, are amended to read as follows:

46. [Revoked and decontrolled.]
272. [Revoked and decontrolled.]

These amendments decontrol the following, based entirely on a resolution submitted under section 204 (j) (3) of the act:

The Township of Howell in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area (from Rent Regulation 4 only).

These amendments also decontrol:

(1) The Pueblo, Colorado, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended (from Rent Regulation 3 and Rent Regulation 4);

(2) The City of Williamsport in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the act (from Rent Regulation 3 and Rent Regulation 4); and

(3) The remainder of the Williamsport Defense-Rental Area (from Rent Regulation 3 and Rent Regulation 4).

[F. R. Doc. 53-1891; Filed, Feb. 27, 1953; 8:49 a. m.]

[Rent Regulation 3, Amdt. 17 to Schedule B]

RR 3—Hotels

Schedule B—Specific Provisions Relating to Individual Defense-Rental Areas or Portions Thereof

OHIO

Effective February 27, 1953, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

The following new items are added to Schedule B of Rent Regulation 3:

21. Provisions relating to Franklin County, Ohio, a portion of the Columbus Defense-Rental Area (Item 229 of Schedule A):

Decontrol of hotel rooms in Franklin County, Ohio. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of this regulation in Franklin County, Ohio, is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

22. Provisions relating to the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation in the Erie County-Oak Harbor Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1892; Filed, Feb. 27, 1953; 8:50 a. m.]

[Rent Regulation 4, Amdt. 9 to Schedule B]

RR 4—Motor Courts

Schedule B—Specific Provisions Relating to Individual Defense-Rental Areas or Portions Thereof

OHIO

Effective February 27, 1953, Rent Regulation 4 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of February 1953.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

A new Item 20 is added to Schedule B of Rent Regulation 4 reading as follows:

20. Provisions relating to the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):

Decontrol of daily rates. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of maximum daily rates established by this regulation in the Erie County-Oak Harbor Defense-Rental Area is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 53-1893; Filed, Feb. 27, 1953; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

REVOCATION OF SURCHARGE RATE ON CERTAIN FOURTH-CLASS MAIL

In order that further study may be made and consideration given to questions and conditions which have arisen in regard to the basis for the surcharge rate on certain fourth-class mail, and the administrative problems incident to the application of such surcharge to the wide variety of parcels and articles, and in conformity with Order No. 55037 of the Postmaster General, dated February 20, 1953, amending paragraph (e) of § 34.76 of the Postal Laws and Regulations, 1948, to suspend the effective date of said paragraph until further notice, it is hereby ordered as follows:

In § 34.76 *Fourth-class postage rates by zones,* as amended (18 F. R. 78), rescind paragraph (e), effective at once.

(R. S. 161, 396, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247; Decision of the Interstate Commerce Commission, dated May 11, 1951, Docket No. 30690, 280 I. C. C. 703)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 53-1865; Filed, Feb. 27, 1953; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter S—Rights-of-Way

[Circular 1842]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART A—GENERAL REGULATIONS APPLICABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART

TERMS AND CONDITIONS

Section 244.9 (m) is amended to read:

§ 244.9 *Terms and conditions.* * * *

(m) That there are reserved rights-of-way for reservoirs, dams, and other similar or related works which may thereafter be constructed for the development of hydroelectric power or irrigation, or for any other purposes, or combination of purposes, under authority of the United States, and that the use of the right-of-way for the purpose authorized shall on order of the Secretary be discontinued without liability or expense to the United States, to the extent found by him to be in conflict with such reserve rights-of-way.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

DOUGLAS MCKAY, *Secretary of the Interior.*

FEBRUARY 21, 1953.

[F. R. Doc. 53-1864; Filed, Feb. 27, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL RESERVE SYSTEM

[12 CFR Part 221]

[Reg. U]

LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

NOTICE OF PROPOSED RULE MAKING

Part 221 (Reg. U), relating to loans by banks for the purpose of purchasing or carrying registered stocks, issued by the Board of Governors of the Federal Reserve System pursuant to the authority cited at 12 CFR 221, prescribes the maximum loan value of the collateral in the case of any loan by a bank which is secured by any stock and for the purpose of purchasing or carrying any stock registered on a national securities exchange.

In view of the nature of "redeemable securities" of open-end investment companies, it seems that in certain circumstances loans for the purpose of purchasing or carrying such "redeemable securities" should be considered to be loans for the purpose of purchasing or carrying stocks registered on a national securities exchange which are in the portfolio of the open-end investment company. The Board is considering whether it would be desirable or appropriate to clarify the application of Part 221 in this respect by amendments thereto along the following lines:

1. By amending paragraph (b) of § 221.3 to read as follows:

§ 221.3 *Miscellaneous provisions.* * * *

(b) Except as provided in the next succeeding sentence, no loan, however it may be secured, need be treated as a loan for the purpose of "carrying" a stock registered on a national securities exchange unless the purpose of the loan is to enable the borrower to reduce or retire indebtedness which was originally incurred to purchase such a stock, or, if he be a broker or a dealer, to carry such stocks for customers. A loan which is for the purpose of purchasing or carrying a stock which is a "redeemable security" the issuer of which is an "open-end company" as defined in the Investment Company Act of 1940 shall be deemed to be a loan for the purpose of purchasing or carrying a stock registered on a national securities exchange if the assets of such company customarily include stocks so registered.

2. By amending paragraph (c) of § 221.3 to read as follows:

(c) In determining whether or not a security is a "stock registered on a national securities exchange" or a stock described in paragraph (b) of this section as a "redeemable security", a bank may rely upon any reasonably current record of such stocks that is published or specified in a publication of the Board of Governors of the Federal Reserve System.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR 221.

To aid in the consideration of the foregoing matters, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it on to the Board to be considered. All such material should be submitted in writing to be received not later than April 1, 1953.

Approved this 25th day of February 1953.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 53-1877; Filed, Feb. 27, 1953; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5477]

PAN AMERICAN WORLD AIRWAYS, INC.; FERRY FLIGHTS

NOTICE OF ORAL ARGUMENT

In the matter of free transportation by Pan American on ferry flights between New York and Miami.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter is assigned to be held on March 17, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 25, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-1886; Filed, Feb. 27, 1953; 8:48 a. m.]

[Docket Nos. 5774, 5928]

NORTH AMERICAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of North American Airlines, Inc., for authority to conduct its operations under the name of North American Airlines, Inc., and an investigation pursuant to section 411 of the act of certain practices of North American Airlines, Inc.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 18, 1953, at 10:00 a.m., e. s. t., in room 4823, Commerce Department Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by the application, particular attention will be given to the question as to whether or not North American Airlines, Inc., in engaging in air transportation under the name North American is engaging in activities and practices in violation of section 411 of the act.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board, on or before March 18, 1953, a statement setting forth the issues of fact or law to be controverted.

For further details of the matters concerned in this proceeding, interested parties are referred to the application, petitions, and the Examiner's prehearing conference report on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 24, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-1888; Filed, Feb. 27, 1953; 8:48 a. m.]

[Docket No. 5849]

SOUTH PACIFIC AIR LINES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of South Pacific Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a temporary certificate of public convenience and necessity for a 2-year period authorizing scheduled air transportation of passengers and property between the territory of Hawaii and the Society Islands via the intermediate point Christmas Island.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, assigned for March 3, 1953, is postponed to May 12, 1953, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, Seventeenth Street, south of Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., February 25, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-1887; Filed, Feb. 27, 1953; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 166, Special Order No. 1]

WEMBLEY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of neckwear manufactured by Wembley, Inc., under the trade name "Wembley" and "Wembley Nor-East" in Puerto Rico on the basis of an application filed by Wembley, Inc., under section 13 (b) of Ceiling Price Regulation 166. This regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in Puerto Rico of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in Puerto Rico at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 166.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 13 (b) of Ceiling Price Regulation 166, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in Puerto Rico of neckwear manufactured by Wembley, Inc., New Orleans 5, Louisiana, bearing the brand name "Wembley" and "Wembley Nor-East" are the retail prices listed in the application of Wembley, Inc. dated December 10, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than March 2, 1953, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of this price list to a copy of this order and, within 15 days of the effective date of this order, supply 10 copies of the list and order to the Director of the Region XIV office of the Office of Price Stabilization and 1 copy to each retailer to whom the applicant had delivered an article covered by this order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and the attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms {net. percent EOM. etc. $-------

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS—Sec. 13 (b), CPR 166
Ceiling Price $------

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been

attached to the article either by him, by the wholesaler, or by the manufacturer.

5. The applicant must file within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on February 25, 1953.

EDWARD J. FRIEDLANDER,
Regional Director.

FEBRUARY 24, 1953.

[F. R. Doc. 53-1851; Filed, Feb. 24, 1953; 11:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3004]

CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF ADDITIONAL COMMON STOCK BY A RIGHTS OFFERING

FEBRUARY 24, 1953.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Central and South West Corporation ("Central"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 18, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 18, 1953, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to issue and sell 606,084 additional shares of its $5 par value common stock. The shares of common stock are to be offered first to the holders of the presently outstanding common stock for subscription in the ratio of one share of additional common stock for each fourteen shares now held. The rights to subscribe will be evidenced by transferable subscription warrants. No fractional shares will be issued.

The above described offering is to be underwritten and Central proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. The price per share at which said shares will be offered to stockholders will be fixed by Central not later than 3:30 o'clock p. m., c. s. t., on the second full business day next preceding the day on which bids for the purchase of any shares, not subscribed for and purchased pursuant to said subscription offer, are to be presented to Central pursuant to its invitation for such bids; and prospective bidders will be advised promptly of the subscription price, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders are to be required to specify the aggregate amount to be paid by Central as compensation for their commitments.

Central also proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the shares of additional common stock proposed to be issued. In connection therewith, the company may, prior to the opening of the bids, purchase shares of its common stock, but not in excess of 60,608 shares, on the New York Stock Exchange or the Midwest Stock Exchange, or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares, within the above limitation, acquired by the company through such stabilizing transactions.

The company proposes to use the proceeds from the sale of the additional shares of common stock, together with funds in its treasury, to purchase additional shares of common stock of its four principal subsidiaries (approximately $5,000,000 in 1953 and approximately $7,000,000 in 1954). The subsidiaries, in turn, will utilize the funds to finance in part their construction programs.

Central requests that the ten-day publication period required by Rule U-50 for inviting bids for the unsubscribed shares of common stock be shortened to a period of not less than six days.

The filing indicates that no regulatory agency or authority other than this Commission has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-1870; Filed, Feb. 27, 1953; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6471]

CALIFORNIA OREGON POWER CO. AND MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING DISPOSITION, ACQUISITION, MERGER OR CONSOLIDATION

FEBRUARY 24, 1953.

Notice is hereby given that on February 24, 1953, the Federal Power Commission issued its order entered February 19, 1953, authorizing and approving disposition and acquisition and merger or consolidation of facilities in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-1866; Filed, Feb. 27, 1953; 8:45 a. m.]

[Project No. 2019]

PACIFIC GAS AND ELECTRIC COMPANY

NOTICE OF ORDER AMENDING LICENSE (MAJOR)

FEBRUARY 24, 1953.

Notice is hereby given that on January 5, 1953, the Federal Power Commission issued its order entered December 30, 1952, amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-1867; Filed, Feb. 27, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27813]

ETHYLENE DIBROMIDE FROM CERTAIN POINTS IN WEST VIRGINIA TO BATON ROUGE AND NORTH BATON ROUGE, LA.

APPLICATION FOR RELIEF

FEBRUARY 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 3467, pursuant to fourth-section order No. 17220.

Commodities involved: Ethylene dibromide, carloads.

From: Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va.

To: Baton Rouge and North Baton Rouge, La.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they

intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1842; Filed, Feb. 26, 1953; 8:48 a. m.]

[4th Sec. Application 27815]

SYNTHETIC RUBBER FROM SOUTHWESTERN POINTS TO NEW JERSEY POINTS

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs ICC Nos. 3906 and 3967

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads

From: Baytown, Borger, Houston, and Port Neches, Tex., and Lake Charles and West Lake Charles, La.

To: East Millstone and South Plainfield, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula, additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3906, supl. 38. F. C. Kratzmeir, Agent, ICC No. 3967, supl. 205.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1873; Filed, Feb. 27, 1953; 8:46 a. m.]

[4th Sec. Application 27816]

SCRAP PAPER FROM CANTON, N. C., TO THOMSON AND TRIONDA, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1257.

Commodities involved: Paper, scrap or waste, carloads.

From: Canton, N. C.

To: Thomson and Trionda, N. Y.

Grounds for relief: Competition with rail carriers, circuitous, maintain grouping, short line distance formula, additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1257, supl. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1874; Filed, Feb. 27, 1953; 8:46 a. m.]

[4th Sec. Application 27817]

PETROLEUM AND PITCH COKE FROM CHICAGO AND LOCKPORT, ILL., TO POINTS IN NEW YORK AND ONTARIO, CANADA

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for the Wabash Railroad Company and other carriers named in the application.

Commodities involved: Petroleum coke, coke breeze, screenings and pitch coke, carloads.

From: Chicago and Lockport, Ill.

To: Niagara Falls and Suspension Bridge, N. Y., Chippawa, Ont., and other points in Ontario, Canada.

Grounds for relief: Circuitous routes, competition with rail-water and rail-water-truck carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1875; Filed, Feb. 27, 1953; 8:46 a. m.]

[4th Sec. Application 27818]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM IOWA AND NEBRASKA TO TEXAS

APPLICATION FOR RELIEF

FEBRUARY 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 4036.

Commodities involved: Fresh meats and packing house products, carloads.

From: Sioux City, Iowa, and Omaha and South Omaha, Nebr.

To: Dalhart, Amarillo, Plainview and Lubbock, Tex.

Grounds for relief: Circuitous routes, additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 4036, supl. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-1876; Filed, Feb. 27, 1953; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17909, Amdt.]

H. OYENS & ZONEN, N. V.

In re: Stock registered in the name of H. Oyens & Zonen, N. V., Amsterdam, The Netherlands, and owned by persons whose names are unknown. F–49–1165.

Vesting Order 17909, dated May 18, 1951, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached thereto and by reference made a part thereof, the numbers "5469" and "17501" set forth with regard to certificates for ten (10) shares each of The United States Leather Company no par value common stock, and substituting therefor respectively the numbers "5461" and "17505".

All other provisions of said Vesting Order 17909 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53–1884; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19182]

ADOLPHUS KEPPELMAN

In re: Estate of Adolphus Keppelman, deceased. D–28–13136, E & T 17241.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Erich Hermann Losch, Eva Sophie Margarete Ziegler, Hans Dietrich Losch and Wolfgang Losch, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That any other issue, names unknown, of Pauline Adolphine Losch, deceased who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Adolphus Keppelman, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Alfred J. Keppelman, Jr., Esquire, substituted administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court of Essex County, New Jersey.

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53–1881; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19183]

J. H. L. BARTELS

In re: Stock owned by J. H. L. Bartels. F–28–32044.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That J. H. L. Bartels, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Two (2) shares of stock of Erie Railroad Company, Midland Building, Cleveland 15, Ohio, evidenced by a certificate numbered 76473 registered in the name of Determeyer, Wesling & Zn together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, J. H. L. Bartels, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53–1882; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 19184]

KARL SCHREIBER

In re: Bank account owned by Karl Schreiber. F–49–1875–E–1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Schreiber, whose last known address is 10 W. Bonselsweg, Ahrensburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Karl Schreiber, by the Franklin Savings Bank, 656 Eighth Avenue, New York 36, New York, arising out of a savings account, Account Number 517966, entitled Karl Schreiber, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable

or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Schreiber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1883; Filed, Feb. 27, 1953; 8:47 a. m.]

[Vesting Order 18871, Amdt.]

MARGARETE SAALFELDT

In re: Securities owned by Margarete Saalfeldt.

Vesting Order 18871, dated May 7, 1952, is hereby amended as follows and not otherwise: By deleting subparagraph 2 (b) from said Vesting Order 18871 and substituting therefor the following subparagraph:

2 (b). Five (5) shares of no par value common stock of Shore Crest Hotel Corporation, 1961 North Summit Avenue, Milwaukee, Wisconsin, a corporation organized under the laws of the State of Illinois, evidenced by a certificate numbered C522, dated October 10, 1940, registered in the name of Magda Winkler, and presently in the custody of Greenebaum Investment Company, 209 South La Salle Street, Chicago 4, Illinois, together with any and all declared and unpaid dividends thereon, and any and all rights to exchange under plan effective June 1936.

All other provisions of said Vesting Order 18871 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-1885; Filed, Feb. 27, 1953; 8:47 a. m.]

INDEX



FEDERAL REGISTER

Volume 18 | INDEX, FEBRUARY 1953 | Nos. 22–40

A

AGRICULTURE DEPARTMENT: Page

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Forest Service.

Agricultural adjustment:
- Committees:
  - County and community committees of Production and Marketing Administration:
    - County committee chairmen, in certain States; appointment as contracting officers and delegation of authority with respect to production and harvesting of castor beans. *See main heading* Commodity Credit Corporation.
    - Regulations respecting selection and functions; county offices, locations of 925
  - State Production and Marketing Administration Committees; authority with respect to 1953 crop of peanuts. *See* Authority, delegations of.
- Marketing quotas, for certain types of tobacco. *See* Tobacco.

Authority, delegations of:
- State Production and Marketing Administration Committees; redelegation of final authority regarding marketing quota regulations for 1953 crop of peanuts:
  - Mississippi State PMA Committee 736
  - Virginia State PMA Committee 861
- To Secretary of Agriculture, from General Services Administrator; authority to negotiate without advertising contract for certain materials in connection with research project 1101

Carrots; standards:
- Canned carrots; revision 1105
- Frozen diced carrots; revision 1108

Citrus fruits (oranges, lemons, grapefruit, and tangerines):
- Marketing of citrus fruits grown in various States:
  - Arizona:
    - Grapefruit; limitation of shipments 1029
    - Lemons; limitation of shipments 796, 892, 1027, 1152
  - California:
    - Grapefruit (Imperial and Riverside Counties); limitation of shipments 1029
    - Lemons; limitation of shipments 796, 892, 1027
  - Florida:
    - Grapefruit; limitation of shipments 795, 891, 1151, 1182
    - Oranges; limitation of shipments 795, 927, 1152
    - Tangerines; limitation of shipments 793, 889, 1151
- Standards, for oranges (California and Arizona) 764

AGRICULTURE DEPARTMENT—Continued Page

Committees, agricultural adjustment. *See* Agricultural adjustment.

Contract, for certain materials in connection with research project; authority of Secretary of Agriculture to negotiate without advertising 1101

Cotton; classification under United States Cotton Futures legislation:
- Changes in certain references 1105
- General provisions:
  - Cost of classification and certification:
    - Bills for payment of fees and expenses 1105
    - Fees:
      - Classification information 1105
      - Review of classification 1105
    - Proceeds from sale of samples and loose cotton; deletion of phrase "section 5" and substitution of phrase "paragraph 1922 (a)" 1105
  - Price quotations and differences:
    - Quotation committees, establishment; deletion of the phrase "sections 5 and 6" and substitution of the phrase "section 1922" 1105
    - Spot markets to conform to act and regulations; deletion of the phrase "section, 6, 7, and 8" and substitution of phrase "paragraphs 122 (c) and 129 (c), and section 1927" 1105
    - Value of grade where no sale, determination; deletion of the phrase "section 6" and substitution of the phrase "paragraph 122 (c)" 1105
    - Spot markets (for certain determinations only); deletion of phrase "section 6" and substitution of phrase "paragraph 1922 (c)" 1105
- Redesignation of headnote 1105

Cream, marketing of. *See* Milk, cream, and byproducts.

Dairy products (milk, cream, and byproducts), marketing of. *See* Milk, cream, and byproducts.

Disaster areas; farm land restoration program, for areas damaged by floods. *See* Farm Land Restoration Program.

Economic poisons. *See* Insecticides, etc.

Farm Land Restoration Program, 1953:
- Applicability; provisions of program applicable in certain counties 711
- Definitions; "Program year" 711
- Restoration practices and rates of assistance; eligible restoration practices 711

Federal Insecticide, Fungicide and Rodenticide Act, regulations for enforcement of. *See* Insecticides, etc.

Food:
- *See also specific commodities.*
- Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.

AGRICULTURE DEPARTMENT—Continued — Page

Fruits and vegetables:
Marketing of various fruits and vegetables. *See* Citrus fruits; Peaches; *and* Potatoes.
Standards, for various fresh and processed fruits and vegetable. *See* Carrots; Citrus fruits; Mustard greens; *and* Turnip greens.
Fungicides. *See* Insecticides.
Grapefruit. *See* Citrus fruits.
Greens. *See* Mustard greens; *and* Turnip greens.
Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, marketing of; Hop Control Board, procedural rules governing activities of members acting as trustees for purpose of liquidating affairs of ---- 1118
Insecticides, etc. (economic poisons), regulations for enforcement of Federal insecticide, Fungicide and Rodenticide Act; interpretation respecting shipments for experimental use, permit requirements ---- 841
Cancellation of permits ---- 843
Limitation of quantity of economic poisons permitted for experimental use ---- 843
Sale of products ---- 842
Lemons. *See* Citrus fruits.
Los Angeles Grain Exchange; order vacating designation as contract market ---- 883
Marketing orders, for various agricultural commodities. *See* Fruits and vegetables; Hops; *and* Milk, cream, and byproducts.
Marketing quotas, for certain types of tobacco. *See* Tobacco.
Milk, cream, and by products; marketing in various marketing and sales areas, marketing agreements and orders, etc.:
Arkansas; Fort Smith ---- 1117, 1154
Indiana; Fort Wayne ---- 959
Kansas; Neosho Valley area ---- 1090
Massachusetts; Boston (Greater) ---- 712
Michigan; Detroit ---- 910
Missouri:
Neosho Valley area ---- 1090
St. Louis ---- 1114
Springfield ---- 828, 1116
Ohio:
Cincinnat ---- 985
Cleveland ---- 910
Toledo ---- 870
Oklahoma:
Muskogee ---- 1043, 1044
Neosho Valley area ---- 1090
Tulsa ---- 1043, 1044
Pennsylvania; Philadelphia ---- 984, 1153
Tennessee:
Knoxville ---- 846
San Antonio ---- 1153
Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests may be sold, revised area designations:
Fair market value areas; list, addition of various counties to:
Nebraska:
Adams County ---- 940
Antelope County ---- 940
Garfield County ---- 992
Madison County ---- 940
Nuckolls County ---- 940
Thayer County ---- 992
Wayne County ---- 940
Oklahoma; McCurtain County ---- 736
South Dakota; Day County ---- 992
One dollar areas; list, deletion of various counties from:
Nebraska:
Adams County ---- 940
Antelope County ---- 940
Garfield County ---- 992
Madison County ---- 940
Nuckolls County ---- 940
Thayer County ---- 992
Wayne County ---- 940
Oklahoma; McCurtain County ---- 736
South Dakota; Day County ---- 992
Mustard greens; standards for fresh greens ---- 763
Oranges. *See* Citrus fruits.

AGRICULTURE DEPARTMENT—Continued — Page

Parity prices, determination of; wool ---- 1150
Peaches; Elberta peaches grown in California, marketing of:
Administrative bodies; changes in representation of certain district on Elberta Peach Commodity Committee ---- 712
Definitions:
Elberta peaches ---- 712
Terms ---- 712
Poisons, economic. *See* Insecticides, etc.
Potatoes, Irish, grown in various States and production areas, marketing of:
California (Modoc and Siskiyou Counties); limitation of shipments ---- 950
Idaho (certain designated counties); limitation of shipments ---- 949
Oregon:
Crook, Deschutes, Jefferson, Klamath, and Lake Counties; limitation of shipments ---- 950
Malheur County; limitation of shipments ---- 949
Washington; limitation of shipments ---- 950
Poultry and edible products thereof; grading and inspection, for classes, standards, etc.:
Applying, for grading service or inspection service; rejection of application ---- 709
Denial of service ---- 709
Grading; general provisions respecting, proposed rule making ---- 733
Interfering with a grader or inspector; deletion ---- 711
Prices:
Parity prices. *See* Parity prices.
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Reserved minerals, disposal of; sale of interest in mineral lands. *See* Minerals.
Rodenticides. *See* Insecticides.
Standards, for fruits and vegetables. *See* Fruits and vegetables.
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Tangarines. *See* Citrus fruits.
Tobacco; marketing quotas:
Cigar-filler, 1953–54, regulations; time for filing applications for new farms allotments ---- 925
Cigar-filler and cigar-binder, 1953–54 regulations; time for filing applications for new farm allotments ---- 925
Turnip greens; standards for fresh greens ---- 763
Vegetables. *See* Fruits and vegetables.
Wool; determination of parity prices for ---- 1150

AIR FORCE DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Lands, public, withdrawn for use of Department. *See main heading* Land Management Bureau.

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, investigation of. *See* Civil Aeronautics Board.
Air-navigation sites, withdrawal of lands for. *See* Land Management Bureau.
Civil airways, control areas, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas; airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.

AIRLINE WAGE BOARD. *See* Railroad and Airline Wage Board.

ALIEN PROPERTY, OFFICE OF:
Germany; Conversion Office for German Foreign Debts (Konversionkasse fur Deutsche Auslandsschulden), vesting order respecting ---- 972
Return of vested property, notices respecting. *See* Vesting orders.
Switzerland, Union Bank of (Union de Banques Suisse); accounts of certain unknown persons, vesting order respecting ---- 1024
Vesting orders:
See also Germany; *and* Switzerland.
Return of vested property; notices respecting:
Alessandrini, Domenico ---- 888
Anxionnaz, Rene ---- 840

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property; notices respecting—Continued
Appoloni, Gisella 839
Cahn, Emma 839
Delaidotti, Luigo (Luigi) 839
Dellaidotti, Luigo (Luigi) 839
Dentoni, Rosa 736
Dombre, Jeane Pierre Paul 791
Fuchs, Franz 888
Gervasi, Carmela 888
Hoffmann, Gertrud 735
Kvorda, Frances 848
Marchionni, Marina 888
Montel, Anna 888
Muller, Leopoldine 888
Neuman, Louis 848
Newman, Louis 848
Paoli, Paulina 839
Pavlisch, Leopoldine 848
Rudnai, David 946
Rukser, Eduard Udo Gustav 946
Salsas-Serra, Francisco 791
Salvucci, Laura 839
Seailles, Jean Charles 888
Travaglini, Maria 888
Vukas, Simon 888
Zoldan, Samuel 848
Various interests, in estates, litigation proceedings, etc.:
A. W. Faber-Castell Bleistiftfabrik 1024
A. W. Faber-Castell Bleistiftfabrik A. G 1024
Ajioka, Tokio 974
Bamman, Martin L 974
Bartels, J. H. L 1176
Berkenhoff & Drebes, A. G 924
Bleistiftfabrik 1024
Buttman, Henry 923
Buttmann, Henry 923
Colsman, Fritz 971
Diedrich, John 868
Diedrich, Katherine 868
Dresdner Bank 972
Elber, Katharine Junior Loers 754
Faber, Johann, A. G 1024
Fahrbach, Karoline (Karoline Anna Amalie) 973
Feichter, Josef 754
Feser, Agnes 887
Finn, Mary 1101
Fleuchaus, Katie 923
Franckson, Ludwig Hubert Johann (Jean), Maria Luise Margaretha, Maria Therese Johanna, and Theresa Hubertine Luise 754
Hanssen, Valerie Keill 754
Hotz, Julia Dora (Julia Dora Fries) 707
Jonas, Olga (Olga Wagner) 945
Junghenn, J. Henry (John Henry) 707
Junior, Anna Maria (Marianne) 754
Keller, Eva Maria van der Leeden 974
Keppelman, Adolphus 1176
Klink, Karoline (Karoline Wagner) 945
Knoll, Maria W., and others 707
Koslowski, Gustav Ludwig Gregor 754
Kruetzer, Johann Hendrik 754
Kungel, Joseph (Ignaz) 923
Losch, Erich Hermann, Hans Dietrich, and Wolfgang 1176
Losch, Pauline Adolphine 1176
Luneberg Kraft Licht-und Wasserwerke, G. m. b. H 972
Luneberg Power, Light and Waterworks, Ltd 972
Marx, Ernest Ludwig (Ernesto Lodovico) 924
Maucher, Paula 922
Meier, Frank 792
Miele, Franz, Hubert, and Marie (Maria Wehrmann) 754
Miele, Heinrich Johann Joseph Gerhard (Heinrich Johann; H. J.) 754
Naamlooze Vennootschap Algemeen Hollandsch Trustkantoor 923
Oyens, H., & Zonen, N. V 1176
Parker, Catherine A 974
Peplinski, Agnes (nee Becker) 946
Peplinski, Anton 946
Peplinski, Johann 946

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Peplinski, Leo 946
Peters, Louis 946
Petracek, Anton J 973
Petratscheck, Anton 973
Phoenix Building and Loan Assoc. of Newark, N. J 1101
Radki, Lydia 945
Radtke, Lydia 945
Rippman, Marie 887
Rippmann, Marie W 887
Saalfeldt, Margarete 1177
Schott, Elisabetha, and others 707
Schreiber, Karl 1176
Sittart, Elisabeth Theresa, Heinrich Hubert Ludwig, and Nikolaus 754
Sittart, Maria Josephine Katharine Franckson 754
van der Leeden, Claus Bodo, Helmuth, Horst Henning, Flone Ingeborg, Karl Friedrich, and Karl Friedrich, Jr 974
van der Leeden, Fanny 974
Wagner, Albert 945
Wagner, Edmund 945
Wagner, Gustav (Gustav Otto; Gustave) 945
Wagner, Juliane (Juliana) 945
Wagner, Rudolf (Rudolph) 945
Wagner, Wanda Marie (nee Litke) 945
Walcker, Martha, and others 887
Wiese, Anna Miele 754
Wiese, Franz and Heinrich 754
Ziegler, Sophie Margarete 1176

AMORTIZATION OF EMERGENCY FACILITIES, for purposes of section 124A of Internal Revenue Code:
Certifying authority of Director of Defense Mobilization (Executive Order 10433) 761
Regulations, interpretation of. *See* Defense Production Administration.

ANCHORAGE REGULATIONS. *See* Engineers, Corps of.

ANIMAL INDUSTRY BUREAU:
Interstate transportation of animals and poultry; prohibition on movement of swine and carcasses, parts, etc., infected with vesicular exanthema, changes in areas quarantined 995, 1127

ARMED FORCES:
See also Defense Department, *and specific services.*
Tax regulations respecting. *See* Internal Revenue Bureau.
Veterans. *See* Veterans.

ARMY DEPARTMENT:
See Engineers, Corps of.
Advertising, procurement procedures respecting. *See* Procurement, Army procurement procedure.
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Blind-made products, interdepartmental procurement of. *See* Procurement, Army procurement procedure.
Burial expenses, National Guard. *See* National Guard.
Buy American Act, procurement procedures respecting foreign purchases. *See* Procurement, Army procurement procedure.
Claims and accounts, conditions affecting payments of commercial accounts:
Adjustments after final payment; requests by contractors for relief under First War Powers Act, 1941, as amended, and Executive Order 10210 751
Advance payments permitted; payments in compliance with laws of foreign countries, for rent, tuition, etc 751
Discounts, responsibility for prompt rendering of invoices; finance officer to make payment without returning voucher to certifying officer after expiration of discount date 751
Partial payments, unnumbered contracts under $20,000 751
Copyrights. *See* Patents and copyrights.
Interdepartmental procurement. *See* Procurement, Army procurement procedure.

ARMY DEPARTMENT—Continued — Page

Labor, procurement procedures respecting. *See* Procurement, Army procurement procedure.
Lands, public, withdrawn for use of Department. *See main heading* Land Management Bureau.
National Guard; burial expenses allowable:
Interment in private cemetery, $125 maximum ____ 682
Limitations; interment in private cemetery, $125 maximum ____ 682
Organization and functions, agencies dealing with public; Office of Chief Signal Officer, procurement of Signal Corps equipment and services ____ 859
Patents and copyrights, procurement procedures respecting. *See* Procurement, Army procurement procedure.
Prison-made products, interdepartmental procurement of. *See* Procurement, Army procurement procedure.
Procurement:
Armed services procurement regulations. *See main heading* Defense Department.
Army procurement procedure:
Advertising, formal, procurement by:
Opening of bids and award of contract:
Award; price escalation ____ 855
Informalities or irregularities, minor, in bids ____ 854
Information to bidders; unclassified awards ____ 855
Opening of bids, Contracting Officer to decide time for ____ 854
Solicitation of bids; preparation of forms, price escalation ____ 854
Bonds and insurance; bid bonds, revocation ____ 857
Contract clauses for fixed-price supply contracts; assignment of claims ____ 856
Copyrights. *See* Patents and copyrights.
Foreign purchases; Buy American Act, etc.:
Nonavailability of supplies or materials ____ 855
References in contractual documents; special clause for construction, alteration, or repair of public buildings and public works ____ 856
General provisions:
Administrative procedures:
Approval of awards of contracts:
Contract review ____ 854
Government personal property, leases of ____ 854
Audits of contracts by Army Audit Agency; cost-reimbursement type contracts, differences and disputes ____ 854
Execution of contracts, requirements; statement as to availability of funds ____ 854
Basic policies:
F. o. b. purchasing policy ____ 854
Place of delivery:
Domestic shipments ____ 853
Freight rates, furnishing of ____ 854
Oversea purchases ____ 854
Selection of contractor, pre-award qualification check ____ 854
Synopses of contract awards, statement of policy ____ 854
Definitions of terms; principal purchasing offices ____ 853
Procurement responsibility for insuring availability of funds ____ 854
Interdepartmental procurement:
Blind-made products. *See* Prison-made and blind-made products.
General Services Administration, procurement from or under ____ 855
Federal Supply Service:
Procurement from Supply Centers of; revocation ____ 855
Stock Catalog, use of; revocation ____ 855
Policy, statement of ____ 855
Prison-made and blind-made products:
Blind-made products ____ 855
Prison-made products; requirement ____ 855
Scope; procurement through General Services Administration ____ 855
Labor:
Basic policies; labor relations, labor responsibility ____ 857
Facilities affected by work stoppage, removal of items from:
Administrative procedure ____ 858
Basic considerations ____ 858, 1112

ARMY DEPARTMENT—Continued — Page

Procurement—Continued
Army procurement procedure—Continued
Labor—Continued
Facilities affected by work stoppage, removal of items from—Continued
Coordination ____ 858
Detrimental incidents, avoidance of ____ 858
Urgency, determination of ____ 858
Negotiation, circumstances permitting; technical equipment requiring standardization, limitation ____ 855
Patents and copyrights; adjustment of royalties, existing delegations ____ 857
Taxes, State, and local; applicability of tax laws, negotiations ____ 857
Termination clause for research and development contracts; revocation ____ 857
Signal Corps, procurement of equipment and services for use by. *See* Organization, *above*.
Reserves, organized; Army Reserve, appointments:
Professional and technical personnel as Reserve commissioned officers, revision ____ 872
To Army Medical Service Branches, revision ____ 1036
Signal Corps:
Office of Chief Signal Officer, organization. *See* Organization.
Procurement of equipment and services for use by. *See* Organization.
Taxes, procurement procedures respecting. *See* Procurement, Army procurement procedures.

ATOMIC ENERGY COMMISSION:
Export control regulations regarding source materials and facilities for production of fissionable materials. *See main heading* International Trade, Office of.

B

BANKS:
Farm credit institutions. *See* Farm Credit Administration.
Federal reserve banks. *See* Federal Reserve System.

C

CENSUS BUREAU:
Foreign trade statistics; shipper's export declaration, confidential nature of, and limitations on use of authenticated copies, proposed ____ 1139
CERTIFICATES, NECESSITY; amortization of emergency facilities under section 124A of Internal Revenue Code:
Certifying authority of Director of Defense Mobilization (Executive Order 10433) ____ 761
Regulations, interpretation of. *See* Defense Production Administration.
CHILD HEALTH DAY, 1953 (Proclamation 3005) ____ 1103
CIVIL AERONAUTICS ADMINISTRATION:
Administrator; approval, specifications, etc., by with respect to certificates and ratings and irregular air carriers. *See main heading* Civil Aeronautics Board.
Altitudes, instrument. *See* Instrument flight rules.
Approach procedures, standard instrument. *See* Instrument flight rules.
Civil airways, designation of:
Colored civil airways:
Amber civil airways:
Alaska; Nome to United States-Mexican Border ____ 680
Mexican Border. *See* United States-Mexican Border.
United States-Mexican Border to Nome, Alaska ____ 680
Blue civil airways:
Alaska; Talkeetna to Pendleton, Oreg ____ 680
Minnesota; Minneapolis to Houston, Tex ____ 680
New York; Dunkirk to Blackstone, Va ____ 929
Oregon; Pendleton to Talkeetna, Alaska ____ 680
Texas; Houston to Minneapolis, Minn ____ 680
Virginia; Blackstone to Dunkirk, N. Y ____ 929
Other civil airways:
Idaho; Dubois to West Yellowstone, Mont ____ 929
Montana; West Yellowstone to Dubois, Idaho ____ 929

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Colored civil airways—Continued
Red civil airways:
Canada; Princeton, B. C., to Bellingham, Wash. 680
Massachusetts; Boston to Wheeeling, W. Va. 929
Nebraska; Omaha to Las Vegas, Nev. 680
Nevada; Las Vegas to Omaha, Nebr. 680
New Jersey:
Idlewild to Milville, N. J. 929
Milville to Idlewild, N. J. 929
Washington; Bellingham to Princeton, B. C., Canada 680
West Virginia; Wheeling to Boston, Mass. 929
VOR civil airways:
California:
Long Beach to Washington, D. C. 680
Los Banos to Salinas, Calif. 930
Oakland to Ellensburg, Wash. 680
Salinas to Los Banos, Calif. 930
Canadian Border. *See* United States-Canadian Border.
District of Columbia; Washington:
To Long Beach, Calif. 680
To Seattle, Washington 929
Illinois; Chicago Heights to Elkins, W. Va. 929
Maine; Kennebunk to Gordonsville, Va. 929
Maryland; Baltimore to Columbus, Ohio. 930
Massachusetts; Boston to Seattle, Wash. 680
Michigan:
Detroit to Pittsburgh, Pa. 930
Flint to Pittsburgh, Pa. 930
Montana:
Great Falls:
To El Paso, Tex. 680
To Miles City, Mont. 680
Miles City to Great Falls, Mont. 680
New York:
Albany to Bradford, Pa. 930
Syracuse to Charleston, W. Va. 929
Ohio:
Cleveland:
To Petersburg, W. Va. 930
To Pittsburgh, Pa. 930
Columbus to Baltimore, Md. 930
Youngstown to Pittsburgh, Pa. 930
Pennsylvania:
Bradford to Albany, N. Y. 930
Philadelphia to United States-Canadian Border 767
Pittsburgh:
To Cleveland, Ohio 930
To Detroit, Mich. 930
To Flint, Mich. 930
To Youngstown, Ohio 930
Texas; El Paso:
To Great Falls, Mont. 680
To Sheridan, Wyo., change in headnote 680
United States-Canadian Border to Philadelphia, Pa. 767
Virginia; Gordonsville to Kennebunk, Maine 929
Washington:
Ellensburg to Oakland, Calif. 680
Seattle:
To Boston, Mass. 680
To Washington, D. C. 929
West Virginia:
Charleston to Syracuse, N. Y. 929
Elkins to Chicago Heights, Ill. 929
Parkersburg to Wheeling W. Va. 930
Petersburg to Cleveland, Ohio 930
Wheeling to Parkersburg, W. Va. 930
Control areas, zones, and reporting points; designation of:
Control areas:
Colored civil airways:
Blue civil airways:
New York; Dunkirk to Blackstone, Va. 930
Virginia; Blackstone to Dunkirk, N. Y. 930
Red civil airways:
Massachusetts; Boston to Wheeling, W. Va. 930
West Virginia; Wheeling to Boston, Mass. 930

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas:
California:
Crescent City 930
Fortuna 930
Oxnard 930
Florida; Tampa 681
Maine; Brunswick 681
Texas:
Alice 681
Austin 680
Brownsville 680
Dallas 681
Houston 680
Laredo 680
VOR civil airways:
Illinois; Chicago Heights to Elkins, W. Va. 930
Maine; Kennebunk to Gordonsville, Va. 931
Maryland; Baltimore to Columbus, Ohio. 931
Montana:
Great Falls to Miles City, Mont. 681
Miles City to Great Falls, Mont. 681
New York:
Albany to Bradford, Pa. 931
Syracuse to Charleston, W. Va. 930
Ohio:
Cleveland:
To Petersburg, W. Va. 931
To Pittsburgh, Pa. 931
Columbus to Baltimore, Md. 931
Pennsylvania:
Bradford to Albany, N. Y. 931
Pittsburgh to Cleveland, Ohio. 931
Virginia; Gordonsville to Kennebunk, Me. 931
West Virginia:
Charleston to Syracuse, N. Y. 930
Elkins to Chicago Heights, Ill. 930
Parkersburg to Wheeling, W. Va. 931
Petersburg to Cleveland, Ohio. 931
Wheeling to Parkersburg, W. Va. 931
Control zones:
Additional control zones:
Florida; Tampa 681
Kansas; Salinas 681
Louisiana; Shreveport 681
Maine; Brunswick 681
New Jersey; Atlantic City 930
Ohio; Cleveland 681
Texas; Corpus Christi 681
Virginia; Langley AFB 930
West Virginia; Huntington 930
Five-mile radius zones around various airports:
Arizona, Yuma; Yuma County Airport 930
California:
Arcata; Arcata Airport 930
Blythe Airport 930
Crescent City; Del Norte County Airport 930
Louisiana, Shreveport; Shreveport Greater Municipal Airport 681
Maryland, Salisbury; Wicomico County Airport 930
Reporting points:
Colored civil airways:
Amber civil airways:
Canadian Border. *See* United States-Canadian Border.
Florida; Key West to United States-Canadian Border 930
United States-Canadian Border to Key West, Fla. 930
Blue civil airways:
New York; Dunkirk to Blackstone, Va. 930
Virginia; Blackstone to Dunkirk, N. Y. 930
Green civil airways:
California; San Francisco to New York, N. Y. 930
New York; New York City to San Francisco, Calif. 930
Red civil airways:
Georgia; Atlanta to Detroit, Mich. 930
Massachusetts; Boston to Wheeling, W. Va. 930

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points—Continued
Colored civil airways—Continued
Red civil airways—Continued
Michigan; Detroit to Atlanta, Ga 930
Nebraska; Omaha to Las Vegas, Nev 681
Nevada; Las Vegas to Omaha, Nebr 681
New Jersey; Millville to Idlewild, N. Y. 681
New York; Idlewild to Millville, N. J 681
West Virginia; Wheeling to Boston, Mass 930
VOR reporting points:
Intersections; Fairville 681
Omnirange stations:
Colorado:
Grand Junction 681
Kremmling 681
West Virginia:
Charleston 931
Parkersburg 931
Wheeling 931

Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas added, deleted, or altered:
Florida:
Panama City, Tyndall Air Force Base 1155
Port St. Joe 1155
Hawaii, Territory of:
Kaena Point 844
Kahoolawe, Island of 844
Molokai, Island of:
Mokuhooniki Rock 844
West Molokai 844
Oahu, Island of:
Kahuku 844
Kahuku Point 844
Makua 844
Mokuleia 844
Schofield 844
Nevada:
Fallon 1155
Sahwave Mountains 931
New Jersey; Warren Grove 844
New Mexico; White Sands Proving Grounds 1155
New York; Pine Camp 681
Utah; Wendover 844

Instrument flight rules:
Instrument altitudes; minimum en route: IFR:
Operation procedures; mountainous terrain and along particular routes, minimum terrain clearance altitudes 767
Particular routes:
Direct routes; Southeast United States 767
Various civil airways (amber, blue, green, red, and VOR airways) 767, 1155
Instrument approach procedures, standard:
Instrument landing system procedures 815
Low frequency range procedures 814
Very high frequency omnirange procedures 817

CIVIL AERONAUTICS BOARD:

Accidents and missing aircraft; investigation of accident occuring near Fish Haven, Idaho 913
Air agencies, certificates and ratings. *See* Certificates and ratings.
Air carriers:
Irregular air carriers. *See* Irregular air carriers and off-route rules.
Scheduled air carriers. *See* Scheduled air carriers.
Air freight forwarders, classification and exemption of. *See* Economic regulations.
Air traffic rules; definitions, ceiling 844
Airline transport pilot rating. *See* Certificates and ratings.
Airmen, certificates and rating. *See* Certificates and ratings.
Air-traffic control-tower operator certificates. *See* Certificates and ratings.
Airworthiness, requirements for transport categories; C–46 type aircraft for carriage of passengers, maximum weight for. *See* Irregular air carrier and off-route rules.

CIVIL AERONAUTICS BOARD—Continued Page

Certificates and ratings:
Air agencies:
Ground instructor rating, citizenship requirements for issuance of certificates, proposed rule making 1091
Repair station certificates:
Domestic certificate requirements (CAA rules, policies, and interpretations):
Equipment list; deletion 951
Equipment and materials; powerplant rating, editorial changes 951
Housing and facilities; editorial change 951
Inspection system; editorial change 951
Personnel; editorial changes 951
Records of supervisory and inspection personnel; editorial change 951
Special housing and facility requirements; editorial change 951
Working space, storage facilities, and parts protection; editorial changes 951
General certification rules; procedure for applying for repair station certificate, editorial change 950
Airmen:
Airline transport pilot rating:
Citizenship requirements for issuance of certificates, proposed rule making 1091
Competency certificate; duration of certificates showing horsepower ratings, conversion to type rating upon expiration date, May 1, 1953 1130
Air-traffic control-tower operator certificates, citizenship requirements for issuance of; proposed rule making 1091
Dispatcher, aircraft, certificates, citizenship requirements for issuance of; proposed rule making 1091
Engineer, flight, certificates, citizenship requirements for issuance of; proposed rule making 1091
Lighter-than-air pilot certificates:
Commercial lighter-than-air pilot certificate, citizenship requirements for issuance of 1091
Free balloon pilot certificate, citizenship requirements for issuance of; proposed rule making 1091
Private lighter-than-air pilot certificate, citizenship requirements for issuance of; proposed rule making 1091
Student lighter-than-air pilot certificate, citizenship requirements for issuance of; proposed rule making 1091
Mechanic and repairman certificates:
Mechanic certificates, citizenship requirements for issuance of; proposed rule making 1091
Repairman certificates, citizenship requirements for issuance of; proposed rule making 1091
Navigator, flight, certificates, citizenship requirements for issuance of; proposed rule making 1091
Parachute rigger certificates, citizenship requirements for issuance of; proposed rule making 1091
Pilot certificates:
Commercial pilot rating, citizenship requirements for issuance of certificates; proposed rule making 1091
Private pilot rating, citizenship requirements for issuance of certificates; proposed rule making 1091
Student pilot certificate, citizenship requirements for issuance of; proposed rule making 1091
Radio operator, flight, certificates, citizenship requirements for issuance of; proposed rule making 1091
Repairman certificates. *See* Mechanic and repairman certificates.
Dispatcher, aircraft, certificates. *See* Certificates and ratings.
Economic regulations, classification and exemption; air freight forwarders, notice respecting renewal and/or amendment of regulations 847
Engineer, flight, certificates. *See* Certificates and ratings.
Ground instructor rating. *See* Certificates and rating.

CIVIL AERONAUTICS BOARD—Continued Page

Hearings, investigations, etc.:
- Accidents, aircraft, and missing aircraft; investigation of. *See* Accidents and missing aircraft.
- Companies and cases, list of. *See list at end of this agency.*

Irregular air carrier and off-route rules:
- Aircraft requirements; take-off performance limitations for large aircraft (CAA rules) 766
- C–46 type aircraft used for carriage of passengers for remuneration or hire:
  - Maximum take-off and landing weight shall be limited to 45,000 pounds; special regulation (SR–379), suspension 929
  - Weight limitation to be determined in accordance with performance requirements of transport category aircraft, with certain exceptions; special regulation (SR–391) 927
- Flight operation rules; instrument approach, provisions for continuation of initiated approach when weather report indicates visibility below authorized minimums, editorial correction 680

Lighter-than-air pilot certificates. *See* Certificates and ratings.

Mechanic and repairman certificates. *See* Certificates and ratings.

Navigator, flight, certificates. *See* Certificates and ratings.

Parachute-rigger certificates. *See* Certificates and ratings.

Pilots:
- Certificates and ratings. *See* Certificates and ratings.
- Scheduled air carrier pilots. *See* Scheduled air carriers.

Radio operator, flight, certificates. *See* Certificates and ratings.

Ratings. *See* Certificates and ratings.

Repair station certificates. *See* Certificates and ratings.

Scheduled air carriers:
- Interstate air carrier certification and operation rules; flight time and duty time limitations, proposed rule making 1120
- Operations within continental limits of United States. *See* Interstate air carrier certification and operation rules.

Hearings, investigations, etc.:
- Air America Agency 754, 1143
- Air freight forwarder case 847
- Airline Reservations, Inc 754
- Barulich, John C 847
- Boston Flower Exchange 847
- Braniff Airways, Inc 1121
- Capitol Airlines, Inc 913
- Carpel-Textile Association, Inc 847
- Classification of indirect air carriers 847
- Cleveland-New York nonstop service 913
- Consolidated Flower Shipments, Inc 847
- Continental Air Lines, Inc 990, 1121
- Fashion Air Cooperative Association 848
- Flower Consolidators of Southern California 847
- Flying Irishman Agency 754
- Indirect air carriage of property 847
- Kansas City Shippers Association 847
- Klamath Falls-Medford Service case 1014
- Manufacturers and Wholesalers Association Shipping Conference 847
- Metropolitan Traffic and Receiving Unit 847
- Milwaukee-Chicago-New York restriction case 913
- National Airlines 754
- New England Carnation Growers Association Inc 847
- North American Airlines, Inc 1173
- North Star Aircoach agency and others 754
- Pan American World Airways, Inc 1173
- Renewal of certain provisions of economic regulations and investigation of indirect air carriage of property 847
- South Pacific Air Lines 1048, 1173
- Southwest Airways Co 1014
- Texas local service case 1048
- Transatlantic cargo case 883
- United Air Lines, Inc 990, 1014, 1121
- United States-Europe-Middle East cargo case 833
- West Coast Airlines, Inc., and others 1014

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration. Page

CIVIL SERVICE COMMISSION:

Appointments to positions excepted from competitive service. *See* Exceptions from competitive service.

Dismissal in interest of national security. *See* Separations.

Exceptions from competitive service, positions excepted from examination (Schedule A); Commerce Department, Office of Secretary, one private secretary or confidential assistant to each Under Secretary 841

Hospitals, Government; maximum stipends for medical or dental interns and residents:
- All Federal hospitals 749
- Gallinger Municipal and Freedmen's Hospitals; revocation 749

Pay regulations:
- Government hospitals; stipends for trainees. *See* Hospitals, Government.
- Step increases, periodic and additional; definitions, "waiting period" 749
- Suspension not in excess of two work weeks 1077

Resignation, effect of, while suspended from duty under Public Law 733, 81st Congress, or similar law 761

Security, national, dismissal in interest of. *See* Separations.

Separations; effect of separation or resignation while suspended from duty under Public Law 733, 81st Congress, or other similar law 761

Transfer of personnel from Defense Production Administration to Office of Defense Mobilization (Executive Order 10433) 761

COAST GUARD:

Cargo and miscellaneous vessels; proposed rule making:
- Fire protection; detecting and extinguishing equipment, fixed fire extinguishing systems, oil fuel units or settling tanks 881
- Lifesaving equipment:
  - Equipment for lifeboats and life rafts:
    - Life rafts, description of equipment for; water 881
    - Lifeboats, description of equipment for; water 881
  - Line-throwing appliances; length of service line 881

Dangerous articles. *See* Explosives or other dangerous articles.

Deck officer, merchant marine; licensing of. *See* Merchant marine officers and seamen.

Engineer officers, merchant marine; licensing of. *See* Merchant marine officers and seamen.

Engineering. *See* Electrical engineering; Marine engineering; *and* Specifications.

Electrical engineering, electric systems; general requirements for construction and installation:
- General considerations; protection from bilge water and watertight equipment 879
- Generator construction; terminal arrangement 879
- Motor controllers, general requirements; alternating-current manual autostarters 879
- Motors; nameplates 879
- Storage batteries; overload and reverse-current protection 879
- Switchboards and propulsion controls:
  - Electric propulsion control; features for other services 879
  - Switchboard bus bars and wiring; arrangement of 879
- Transformers; temperature rise 879
- Wiring methods and materials; wire and cable installation, ship's service cables 879

Equipment:
- Approval of miscellaneous items 962
- Manufacturer, change in name and address of 965
- Terminations of approvals of equipment 965
- Lifesaving and fire protection for vessels. *See* Cargo and miscellaneous vessels; *and* Passenger vessels.
- Specifications for various types of equipment and materials. *See* Specifications.

Explosives or other dangerous articles or substances:
- Handling of within or contiguous to waterfront facilities. *See* Security and protection of vessels, harbors, and waterfront facilities.

COAST GUARD—Continued — Page

Explosives or other dangerous articles or substances—Continued
Transportation or storage on board vessels; proposed rule making:
Acceptance, handling, stowage, etc., vessel's requirements for; Canadian shipments 882
Combustible liquids, detailed regulations governing; revision and renumbering of sections 883
Corrosive liquids, detailed regulations governing; sulfuric and spent sulfuric acid in bulk 882
Explosives, detailed regulations governing:
Authorization to load or discharge explosives 882
Permits for Class A explosives 882
Stowage of explosives 882
Gases, compressed, detailed regulations governing; anyhdrous ammonia in bulk 883
General regulations:
Canadian shipments 882
Export shipments 882
Import shipments 882
Hazardous articles, detailed regulations governing; revision and renumbering of sections 883
Labeling. *See* Marking, labeling, etc.
Marking, labeling, etc., shipper's requirements for:
Import shipping papers 882
Marking and labeling applying to domestic shipments only 882
Military explosives, transportation on board vessels during national emergency or war:
Inapplicability of certain regulations 882
Permit to load explosives 882
Application for 882
Fire protection. *See* Cargo and miscellaneous vessels; *and* Passenger vessels.
Gases, compressed; transportation of. *See* Explosives or other dangerous articles.
Investigations, marine. *See* Marine investigations.
Licensing of merchant marine deck and engineer officers. *See* Merchant Marine officers and seamen.
Lifesaving equipment:
Cargo and miscellaneous vessels. *See* Cargo and miscellaneous vessels.
Passenger vessels. *See* Passenger vessels.
Specifications for. *See* Specifications.
Load lines; merchant vessels when engaged in voyage on Great Lakes, proposed rule making:
Administration:
Seasonal load lines 883
Tankers 883
General rules for determining maximum load lines:
Deck line 883
Line to be used in connection with diamond 883
Steamers, load lines for; strength 883
Tankers; form of load line 883
Marine engineering; welding, arc and gas, and brazing, proposed rule making:
Tests and inspections:
Radiographic tests procedures, qualification of 880
Nondestructive tests; use of magnetic particle testing and radiographic examination 880
Welding, arc and gas; qualification of welders, use of radiographic tests in determining quality of test plate welds 880
Marine investigations, and suspension and revocation proceedings; investigating officers and investigations, procedures, admonitions in lieu of hearings, proposed rule making 882
Merchant Marine Council; notice of public hearing on proposed changes in regulations regarding navigation and vessel inspection, and security of vessels and waterfront facilities 880
Merchant marine officers and seamen:
Licensing of officers and motorboat operators and registration of staff officers, deck and engineer officers' licenses, requirements for renewal, period of grace, proposed rule making 880
Security check and clearance of. *See* Security and protection of vessels.
Military explosives, transportation on board vessels during national emergency or war. *See* Explosives or other dangerous articles or substances.

COAST GUARD—Continued — Page

Passenger vessels; proposed rule making:
Fire protection; detecting and extinguishing equipment, fire detecting systems, change in Table 76.05 (a) 881
Lifesaving equipment:
Equipment for lifeboats, life rafts, life floats, and buoyant apparatus:
Lifeboats, description of equipment for; water 881
Life rafts, description of equipment for; water 881
Line-throwing appliances; length of service line 881
Security and protection of vessels, harbors, and waterfront facilities:
Merchant marine personnel, security check and clearance of; proposed rule making 880
Waterfront facilities, security of; handling of explosives or other dangerous cargoes contiguous to waterfront facilities, proposed rule making:
General permit for handling dangerous cargo 882
Penalties for handling designated dangerous cargo without permit 882
Permits required for handling designated dangerous cargo 882
Issuance of 882
Permitted transactions 882
Specifications:
Engineering equipment; combination solid stream and water fog fire hose nozzles, proposed rule making 882
Lifesaving equipment; proposed rule making:
Life preservers:
Balsa wood (jacket type), models 41 and 45 881
Cork (jacket type), models 31 and 35 881
Fibrous glass, adult and child (jacket type), models 51, 52, 55, and 56, for merchant vessels 881
Kapok, adult and child (jacket type), models 2, 3, 5, and 6 881
Repairing, re-covering, and cleaning:
Re-covering; cancellation 881
Redesignation of centerhead 881
Lifeboats for merchant vessels 881
Line-throwing appliances for merchant vessels; equipment for impulse-projected rocket type line-throwing, length of service line 881
Water, emergency drinking (in hermetically sealed containers) for merchant vessels 881
Materials; proposed rule making:
Bulkhead panels for merchant vessels:
Applicable specifications 882
Procedure for approval 882
Deck coverings:
Inspections and testing 882
Procedure for approval 882
Incombustible materials for merchant vessels 882
Suspension and revocation proceedings. *See* Marine investigations.
Vessels:
Cargo and miscellaneous vessels. *See* Cargo and miscellaneous vessels.
Load lines for. *See* Load lines.
Passenger vessels. *See* Passenger vessels.
Security of vessels. *See* Security and protection of vessels, harbors and waterfront facilities.
Waterfront facilities, security of. *See* Security and protection of vessels, harbors and waterfront facilities.
Welding. *See* Marine engineering.

COMMITTEES, BOARDS, ETC.:
Agricultural adjustment committees. *See* Agriculture Department.
Continuance (under jurisdiction of Director of Defense Mobilization) of boards, committees, etc., established under Executive Order 10200 (Executive Order 10433) 761
Senate Committee on Government Operations, inspection of tax returns by (Executive Order 10435) 809

COMMODITY CREDIT CORPORATION:
Barley, loan and purchase agreement program, 1952; support rates, county:
Nebraska; Sarpy County, 714
New Mexico; Union County 714
Castor beans. *See* Oilseeds.

COMMODITY CREDIT CORPORATION—Continued Page
Contracting officers; appointment of chairmen of PMA county committees in certain States as, and delegation of authority with respect to production and harvesting of castor beans 1141
Cotton, price support program, 1952; basic loan and purchase rates by warehouse locations, in Georgia 1149
Food commodities acquired through price support programs; sales of certain commodites at fixed prices:
Domestic price list; February 1953 991
Export price list; February 1953 991
Grain sorghums, loan and purchase agreement program, 1952; support rates, county:
New Mexico; Union County 869
Washington—all counties 869
Gum. *See* Naval Stores.
Naval stores; gum price support loan program, 1953 1149
Oilseeds; castor bean production and procurement program, 1953 1103
Contracting officers; appointment of chairman of PMA county committees in certain States as, and delegation of authority with respect to production and harvesting of castor beans 1141
Rye, loan and purchase agreement program, 1952; support rates, county:
Colorado; Dolores County 714
Kansas:
Clark County 714
Greeley County 714
Thomas County 714
Wichita 714
Texas; Coryell County 714
Soybeans, loan and purchase agreement program, 1952; support rates, Walsh County, North Dakota 869
Wheat, loan and purchase agreement program, 1952; support rates, county:
New Mexico; Union County 869
Ohio; Washington County 869
Utah:
Iron County 869
Washington County 869
Washington; Lincoln County 869
Wyoming; Johnson County 869

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
Los Angeles Grain Exchange; order of Secretary of Agriculture vacating designation as contract market 883

CONTRACTS, GOVERNMENT:
See also Procurement.
Minimum wage determinations under Walsh-Healey Public Contracts Act. *See* Public Contracts Division.
Renegotiation of. *See* Renegotiation Board.

COURT, UNITED STATES DISTRICT, for Puerto Rico; designation of Honorable Benjamin Ortiz as Acting Judge (Executive Order 10437) 1051

CUSTOMS BUREAU:
Articles conditionally free, subject to reduced rate, etc., respecting public international organizations; baggage of and importations for certain representatives of United Nations and specialized agencies thereof, and Organization of American States 932
Asparagin, change in tariff classification 777
Authority, delegations of, to certain field officers; to administer oaths and designate customs officers and employees under their supervision to administer oaths 832
Entry of imported merchandise, requirements on entry; requirement for importer to present customs Form 5101 as memorandum entry record to be at discretion of customs collector 714
Financial and accounting procedure, customs; receipts, for duties or taxes paid on formal or appraisement entry, use of customs Form 5101 714
International organizations, public, entitled to free entry privileges. *See* Articles conditionally free.
Jewelry, rondelles for; prospective tariff classification 777
Liquidation of duties; tariff classification of certain imports:
Asparagin, change in classification 777

CUSTOMS BUREAU—Continued Page
Liquidation of duties; tariff classification of certain imports—Continued
Jewelry, rondelles for; prospective classification 777
Mustard seeds, certain, prospective change in classification 808
Mustard seeds, certain, prospective change in tariff classification 808
Tariff classification of certain imports. *See* Liquidation of duties.

D

DAYS OF OBSERVANCE. *See* Presidential documents.

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Navy Department.
Authority, delegation of, from General Services Administration; representation of Government agencies before Alabama Public Service Commission respecting application by Alabama Power Co. to increase electric rates 1023
Buy American Act, respecting foreign purchases. *See* Joint regulations of armed forces.
Joint regulations of armed forces; armed services procurement regulations:
Interdepartmental procurement; procurement from or through General Services Administration 820
Foreign purchases; Buy American Act, etc.:
List of supplies excepted from Act; hog bristles 821
Supplies excepted from Act, exceptions based on unreasonable cost; foreign bids over $25,000 821
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Procurement:
Armed services procurement regulations. *See* Joint regulations of armed forces.
In areas and industries of current or imminent manpower surpluses. *See* Defense Mobilization, Office of.

DEFENSE MATERIALS PROCUREMENT AGENCY:
Authority, delegation of, to Deputy Administrator to serve as Acting Administrator 861
Minerals and metals:
Molybdenum concentrates (Mineral Order 8, amdt. 1).
Directives of Administrator to have precedence over order 956
Domestic use and consumption, suspension of restrictions 956
Foreign consumers (with exception of consumers located in Canada); applications of to be filed with Office of International Trade 956
Substitution of "Defense Materials Procurement Agency" for "Defense Minerals Administration" 956
Tungsten ore (Mineral Order 6, amdt. 1).
Directives of Administrator to have precedence over order 956
Forms; substitution of DMPA Form 25, Form 6–1142–M, and Form 6–1140–M for Forms MF–4, MF–5 and MF–6 respectively 956
Substitution of "Defense Materials Procurement Agency" for "Defense Minerals Administration" 956
Suspension of allocation provisions of order, with exception of tungsten ore of foreign origin for sale by General Services Administration 956
Molybdenum concentrates. *See* Minerals and metals.
Tungsten ore. *See* Minerals and metals.

DEFENSE MOBILIZATION, OFFICE OF:
Amortization of emergency facilities; certifying authority of Director of Defense Mobilization for purposes of section 124A (e) of Internal Revenue Code (Executive Order 10433) 761
Assistant Director of Production; establishment of position, and designation of authority respecting 821
Editorial correction 845

DEFENSE MOBILIZATION, OFFICE OF—Continued — Page

Continuance (under jurisdiction of Director of Defense Mobilization) of boards, committees, other subordinate agencies, and positions established under Executive Order 10200 (Executive Order 10433) — 761

Critical defense housing areas:
- Decertification:
  - New York; Star Lake — 971
  - Wisconsin; Camp McCoy — 1123
- Finding and determination under Defense Housing and Community Facilities and Services Act of 1951; Nebraska, Hastings — 704

Economic Stabilization Agency; Director of Defense Mobilization to be Administrator (Executive Order 10433) — 761

Functions of former Defense Production Administration under prior Executive orders to be exercised by Office and Director of Defense Mobilization (Executive Order 10433) — 761

Labor surpluses. *See* Manpower surpluses.

Manpower policies:
- Labor surplus. *See* Manpower surpluses, *below.*
- Procurement, placement of, in various areas. *See* Manpower surpluses, *below.*

Manpower surpluses; procurement in certain areas:
- Areas, designation of, or withdrawal of certification of, and notification to Department of Defense and General Services Administration respecting:
  - Connecticut:
    - Danielson — 755
    - Norwich — 755
  - Indiana; Connorsville — 755
  - Missouri; Joplin — 755
  - Pennsylvania, Pottsville; geographic description of area, added — 944
- Notification to Department of Defense and General Services Administration. *See* Areas.
- Withdrawal of certification of areas. *See* Areas.

Surplus manpower. *See* Manpower surpluses.

Surplus Manpower Committee, findings and recommendations of, respecting placement of procurement in Pottsville, Pennsylvania, area; geographic description of area, added — 944

Transfer of records, property, personnel and funds from Defense Production Administration (Executive Order 10433) — 761

DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE PRODUCTION ACT, administration of:

Defense Mobilization, Office of; additional functions (Executive Order 10433) — 761

Wage and salary controls, suspension of (Executive Order 10434) — 809

DEFENSE PRODUCTION ADMINISTRATION:

Amortization of emergency facilities, issuance of necessity certificates under section 124A of Internal Revenue Code:
- Certifying authority of Defense Production Administrator to be exercised by Director of Defense Mobilization (Executive Order 10433) — 761
- Interpretations of Regulation 1:
  - Time limitation provision in necessity certificates — 775
  - Variations in costs — 776

Certificates of necessity, in connection with amortization of emergency facilities. *See* Amortization of emergency facilities.

Functions under prior Executive orders to be exercised by Office and Director of Defense Mobilization (Executive Order 10433) — 761

Transfer of records, property, personnel and funds to Office of Defense Mobilization (Executive Order 10433) — 761

DISASTERS:

Authority of Regional Directors of Federal Civil Defense Administration respecting natural disasters. *See* Federal Civil Defense Administration.

Farm land restoration program. *See* Agriculture Department.

ECONOMIC STABILIZATION AGENCY: — Page

See Price Stabilization, Office of.
Railroad and Airline Wage Board.
Rent Stabilization Office.
Salary Stabilization Board.
Salary Stabilization Office.
Wage Stabilization Board.

Director of Defense Mobilization to be Administrator (Executive Order 10433) — 761

Organization and functions:
- Acting Assistant Administrator; designation of Deputy Assistant Administrator (Operations) and General Counsel to serve as — 835
- Assistant Administrator:
  - Head of Operations Office and chief executive officer of ESA — 835
  - Redelegation of authority of Administrator under listed Executive orders in connection with economic stabilization program — 835
  - Liquidation of agencies whose programs are terminated — 835
  - Policies for stabilization of prices and wages in event of emergency — 835
  - Rent control program, review and direction of — 835
  - Wage, salary and price controls, termination of — 835
- Operations Office, to be headed by Assistant Administrator as chief executive officer of ESA — 835

Wage, salary, price and rent controls:
- Functions of Assistant Administrator respecting, termination, etc. *See* Organization and functions.
- Wage and salary controls, suspension of (Executive Order 10434) — 809
- Questions and answers on suspension of wage and salary controls (Interpretation 1) — 981

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:

Anchorage regulations, California; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Anchorage No. 7 (temporary) — 1011

Navigation regulations, California; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Oakland Harbor in vicinity of Naval Supply Center — 753

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:

Quarantine notice, domestic, respecting Hawaiian fruits and vegetables; administrative instructions approving ethylene dibromide fumigation as condition for certification of certain fruits and vegetables for movement from Hawaii — 947

EXPLOSIVES:
- For use in coal mines. *See* Mines Bureau.
- Transportation of. *See* Coast Guard; *and* Interstate Commerce Commission.

F

FARM CREDIT ADMINISTRATION:

Banks for cooperatives:
- Central Bank for Cooperatives; increase in interest rates. *See* Loan interest rates and security.
- Loan interest rates and security; interest rates, increase in, for continental loans and loans made in Puerto Rico:
  - Facility loans; Central Bank for Cooperatives, increase in interest rates charged by — 947
  - Financing operations; Central Bank for cooperatives, increase in interest rates charged by — 947
  - Upon security of commodities or upon security of Commodity Credit Corporation documents; Central Bank for Cooperatives, increase in interest rates charged by — 947

Employees and officers of Farm Credit Administration and corporations functioning thereunder; acts for personal benefit, prohibition respecting, with exception for services rendered while on leave of absence without pay, when approved by the Governor — 975

FARMERS HOME ADMINISTRATION: Page
Farm ownership loans:
Basic regulations, loan limitations; average values of farms and investment limits for purposes of Title I of Bankhead-Jones Farm Tenant Act:
Idaho 843
North Dakota 843
Oregon 843
Utah 843
Washington 843
Processing of subsequent loans:
Defense Relocation Corporation properties, certain former; elimination of refinancing of outstanding farm ownership indebtedness with respect to. *See* Interest rates, sources of funds, etc.
Interest rates, sources of funds, and amortization schedules 1147

FEDERAL CIVIL DEFENSE ADMINISTRATION:
Authority, delegation of, to Regional Directors respecting natural disasters 1048
Contributions for civil defense equipment:
Amount of Federal contribution 1040
Federal procurement 1040
State procurement 1040
Disasters:
Authority of Regional Directors respecting natural disasters 1048
Functions and responsibilities of other Governmental agencies and American National Red Cross to be considered 1048

FEDERAL COMMUNICATIONS COMMISSION:
Aeronautical services:
Aircraft stations; lighter-than-air craft frequencies, use of frequency 3281 kc instead of 2930 kc, proposed rule making 962
Navigational aid radio stations and radio-navigation service:
Flight test stations; frequencies available, use of 3281 kc frequency instead of 3290 kc, proposed rule making 962
Operation of distance measuring equipment, Region 2, in band 220–231 mc, deletion of provision respecting 957
Use of frequency band 420–460 mc permitted to February 15, 1958 957
Alaska, radio stations other than amateur and broadcast; frequencies, temporary assignment of additional frequencies 958
Amateur radio service:
Frequencies, allocation of, and types of emissions used. *See* Stations, amateur.
Operators, amateur, licenses, classes and privileges of; novice class, use of frequencies 21.10 to 21.25 mc for radiotelegraphy, A1 emission 801
Radiotelephony; use of frequency band 21,250–21,450 kc 801
Stations, amateur:
Frequencies and emissions:
Allocation of frequencies and types of emissions for use of stations:
21.00–21.45 mc, type A–1 and F–1 emission, and A–3 emission for telephony, use of 801
220–225 mc, types A0–A4 emissions, and special emission for frequency modulation (radiotelephony and radiotelegraphy) 801
420–450 mc, A0–A5 emissions, use of; deletion 801
Redesignations 801
Amateur power limitation 957
Use of stations; radio teleprinter operation, frequencies to be used for 801
Teleprinter (radio) operation, frequencies to be used for 801
Commercial radio operators:
Authority, scope of:
Operating authority; reference added 731
Special privileges; conditions of operation of broadcast stations 731
Conelrad plan of station operation; adjustments for operation on Conelrad frequency 731
Operators, place of duty, modification of requirements respecting; exception regarding non-broadcast station, deletion 731

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
Conelrad plan of station operation 727
Cuba, assignment of frequencies to broadcast stations in; new stations, changes, and deletions in accordance with North American Regional Broadcasting Agreement 861
Disaster relief organizations 1088
Domestic public land mobile radio service. *See* Public radiocommunication services.
Educational broadcast stations. *See* Radio broadcast services.
Emergency, special, radio service. *See* Public safety radio services.
Experimental radio services; revision and redesignation 1078
Applications and licenses, experimental developmental and research services, operating requirements, technical standards 1078
Table of cross references to revised Part 5 1079
FM broadcast stations. *See* Radio broadcast services.
Fire radio service. *See* Public safety radio services.
Forest products radio service. *See* Industrial radio services.
Forestry-conservation radio service. *See* Public safety radio services.
Forms for filing applications, etc. *See* Practice and procedure.
Frequencies and channels, allocation and use of:
See also Frequency allocations and radio treaty matters.
Frequency bands:
10–50 kc 831
50–535 kc 831
1605–30,000 kc 831
3281 kc 962
3290 kc 962
4140 kc 827
6210 kc 827
8280 kc 827
11,000–11,100 kc 827
11,040 kc 827
12,420 kc 827
16,560 kc 827
21,250–21,450 kc 801
21.00–21.45 mc 801
21.10–21.25 mc 801
26.960–27.230 mc 801
169.425 mc and above 800
170.225 mc and above 800
171.025 mc and above 800
220–225 mc 801
406.050 mc and above 800
412.450 mc and above 800
890–940 mc 958
9800–9900 mc 958
Services and stations:
Aeronautical services 957, 962
Alaska, radio stations in 958
Amateur radio service 801, 957
Cuba; broadcast stations 861
Experimental radio services 1078
Industrial radio services 800, 958
Land transportation radio services 800, 958
Maritime radio services 827, 957
Public safety radio services 958, 1087
Television broadcast stations 740, 830, 931, 961, 1078
Theater television service 732
Frequency allocations and radio treaty matters, allocation assignment and use of radio frequencies; table of frequency allocations:
Aeronautical radionavigation service:
Use of band 220–231 mc, Region 2; deletion of provision respecting 957
Use of band 420–460 mc till February 15, 1958 957
Amateur radio service; use of power limited in band 420–450 mc till February 15, 1958 957
Hearings, orders, etc.:
List of names of companies and stations, *see list at end of this agency.*
Procedures. *See* Practice and procedure, *below.*
Highway maintenance radio service. *See* Public safety radio services.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Highway truck radio service. *See* Land transportation radio services.
Hydrological data; availability of additional frequencies to certain operational fixed stations for transmission of 800
Industrial radio services:
Forest products radio service; frequencies available for fixed stations:
Availability of frequencies between 169.425 and 412.750 mc for transmission of hydrological and meteorological data, under certain conditions 958
Frequencies assignable on shared basis with other services; use of additional frequencies 958
Frequencies, policy governing assignment of; authorization of frequencies assigned to Government stations under Executive Order for use of stations in industrial radio services, under certain conditions 800
Motion picture radio service; frequencies available for fixed stations on shared basis with other services, use of additional frequencies 958
Petroleum radio service; frequencies available for fixed stations:
Availability of frequencies between 169.425 and 412.750 mc for transmission of hydrological and meteorological data, under certain conditions 800
Frequencies assignable on shared basis with other services; use of additional frequencies 958
Power radio services; frequencies available for fixed stations:
Availability of frequencies between 169.425 and 412.750 mc for transmission of hydrological and meterological data, under certain conditions 958
Frequencies assignable on shared basis with other services; use of additional frequencies 958
Relay press radio service; frequencies available for fixed stations on shared basis with other services, use of additional frequencies 958
Special industrial radio service:
Eligibility; rescission, proposed 1092
Eligibility for mobile service facilities; proposed rule makng 1092
Frequencies available for base and mobile stations; redesignation, proposed 1092
Frequencies available for base, mobile, and operational fixed stations; redesignation, proposed 1092
Frequencies available for fixed stations:
Availability of frequencies between 169.425 and 412.750 mc to operational fixed stations, under certain conditions, for transmission of hydrological and meteorological data 800
Frequencies assignable on shared basis with other services; use of additional frequencies 958
Redesignation; proposed 1092
Mobile service frequencies for use at temporary locations; proposed rule making 1092
Scope of service; proposed rule making 1092
Withdrawal of previous proposed revision of regulations respecting special industrial radio service 1091
Intercity bus radio service. *See* Land transportation radio services.
International agreemcnts relating to radio in which United States participates; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
International fixed public radiocommunication service, operating frequency; tolerancc, proposed rule making 831
International telegraph operations. *See* Telephone and telegraph companies.
Land transportation radio services:
Applications; filing of 732
Frequencies, policy governing assignment of; authorization of frequencies assigned to Government stations under Executive Order for use of stations in land transportation radio services, under certain conditions 800

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Land transportation radio services—Continued
Highway truck radio service; frequencies available for fixed stations on shared basis with other services, use of additional frequencies 958
Intercity bus radio service; frequencies available for fixed stations on shared basis with other services, use of additional frequencies 958
Railroad radio service; frequencies available for fixed stations:
Availability of frequencies between 169.425 and 412.750 mc to operational fixed stations for transmitting hydrological or meteorological data, under certain conditions 800
Frequencies assignable on shared basis with other services; use of additional frequencies 958
Urban transit radio service; frequencies available for fixed stations on shared basis with other services, use of additional frequencies 958
Maritime radio services:
Land stations, coastal:
Telegraphy, use of, by coast stations:
Frequencies assignable, list; unavailability, after June 3, 1953, of certain frequencies between 4140 and 16,560 kc 827
Radiotelegraph operating procedure; limitation on communication of coast stations with mobile stations transmitting on frequency band 11,000–11,100 kc 827
Telephony, use of, by public coast stations:
Availability of frequencies below 30 mc:
Mississippi River and Tributaries; alternate transmission by coast and mobile stations, unavailability of frequency 11,090 kc after June 3, 1953 827
Working frequencies between 5000 kc and 30 mc; editorial change, deletion 731
Frequencies assignable; list; frequency 11,090 kc not available after June 3, 1953 827
Mobile maritime service; unavailability of frequencies 11,000–11,100 kc to 827
Shipboard stations:
Radiotelegraphy, use of; frequencies assignable:
List of authorized frequencies; frequencies between 11,020 and 11,070 kc not available after June 3, 1953 827
Temporary authorization of additional frequencies 957
Radiotelephony, use of:
Frequencies above 156 mc for safety purposes; editorial change, deletion 731
Frequencies assignable:
List of authorized frequencies; frequency 11,090 kc unavailable after June 3, 1953 827
Temporary authorization of additional frequencies 957
Frequencies from 5000 kc to 30 mc for public correspondence, Mississippi River and Tributaries; alternate transmission by ship and coast stations, unavailability of frequency 11,090 kc for 827
Safety of life at sea convention, London, 1948, temporary rules to govern United States ships subject to rules of; emergency antenna requirements, extension of time to file comments in proposed rule making 732
Meteorological data; availability of additional frequencies to certain operational fixed stations for transmission of 800
Motion picture radio service. *See* Industrial radio service.
North American Regional Broadcasting Agreement; list of changes in assignments for stations in Cuba 861
Petroleum radio service. *See* Industrial radio services.
Police radio service. *See* Public safety radio services.
Power radio service. *See* Industrial radio services.
Practice and procedure:
Common carriers, tariffs, reports and other material required to be submitted by; Annual (financial) Report of Licensees in Domestic Public Land Mobile Radio Service (Form L), revision and use of 956

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
General rules, requests for Commission action, petitions to consolidate; mutually exclusive applications, time of filing 939
Hearings:
Procedures with respect to hearings on mutually exclusive applications, notice of changes made to expedite action on 942
Rules relating to hearings and decisions:
Applicability; redesignation 939
Commencement of hearing procedure in cases involving broadcast applications 939
Radio licenses, applications and proceedings affecting:
Action on application, procedure in case designated for hearing; consolidation of mutually exclusive applications, when application must be filed 938
Filing of applications and description of forms; application for station license where no construction permit is required:
Form 402 (Railroad radio station license), deletion 726
Redesignations 726
Ownership reports, broadcast licensees and permittees; revised Form 323, deletion of certain requirement respecting reporting of stock acquisitions 1077
Public radiocommunication services (other than maritime mobile):
Domestic public land mobile radio service; hearings respecting one-way signaling authorizations in various cities 966, 967, 968
Hearing with respect to additional point-to-point radiotelegraphy service to Turkey (Mackay Radio and Telegraph Co.), postponed 966
International fixed public radiocommunication service; operating frequency, tolerances, proposed rule making 831
Public safety radio services:
Emergency radio service. *See* Special emergency radio service.
Fire radio service; frequencies available, table, addition of certain frequencies 958
Forestry-conservation radio service; frequencies available, table, addition of certain frequencies 958
Highway maintenance radio service; frequencies available, table, addition of certain frequencies 958
Police radio service; frequencies available, table, addition of certain frequencies 958
Special emergency radio service:
Frequencies available, table; addition of certain frequencies 958
Revised regulations; frequencies available, disaster relief and rescue organizations, physicians, communication facilities, establishments in isolated areas, station limitations, beach patrols, school buses 1087
Radio broadcast services:
Conelrad plan of station operation 727
Educational broadcast stations, FM, noncommercial:
Equipment:
Changes in equipment and antenna system; authorized transmitter remote control point 730
Frequency monitor; operation of approved type 730
Modulation monitor; operation of approved type 730
Technical operation:
Operator requirements 730
Remote control operation 730
Station and operator licenses; posting of 730
FM broadcast stations:
Educational broadcast stations. *See* Educational broadcast stations, *above*.
Equipment:
Changes in equipment and antenna system; authorized transmitter remote control point 729
Frequency monitor, operation of approved type 729

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
FM broadcast stations—Continued
Equipment—Continued
Modulation monitor; operation of approved type 729
Standards of Good Engineering Practice; amendments and deletions 731
Technical operation:
Operator requirements 729
Remote control operation 730
Station and operator licenses; posting of 729, 957
Operators, commercial radio. *See* Commercial radio operators, *above*.
Standard broadcast stations:
General rules applicable to standard stations:
Operator requirements 729, 939
Station and operator licenses; posting of 729
Standards of Good Engineering Practice; amendments and deletions 731, 957
Technical operation:
Frequency monitor; operation of approved type 728
Modulation monitor; operation of approved type 728
Remote control operation 728
Television broadcast stations:
Hearing with respect to use of Channel 10, Milwaukee, Wisconsin 741
Rules governing television broadcast stations (Part 3, E):
Channel utilization; table of assignments:
Addition of listed localities to table:
North Carolina, Burnsville, Channel 18; proposed 831
West Virginia, Fayetteville, Channel 4; proposed 830
Changes, deletions, etc., affecting channel assignments in listed States:
See also Addition of listed localities to table, *above*.
Alabama; proposed 961
Arkansas; proposed 961
California; proposed 961
Illinois; proposed 961
Indiana; proposed 961
Iowa 1078
Proposed change 961
Kentucky; proposed 961
Louisiana 1078
Proposed change 961
Massachusetts; proposed 961
Missouri; proposed 961
North Carolina; proposed 830, 961
Ohio; proposed 961
Pennsylvania; proposed 961
Tennessee; proposed 961
Texas; proposed 961
Technical standards; transmitters and associated equipment, operation spurious emissions, attenuation requirements, extension of time to file coments in proposed rule making 962
Theater television service. *See* Theatre television service, *below*.
Radiotelegraphy, use of. *See* Maritime radio services; *and* Telephone and telegraph companies.
Radiotelephony, use of. *See* Amateur radio service; *and* Maritime radio services.
Railroad radio service. *See* Land transportation radio services.
Relay press radio service. *See* Industrial radio services.
Reports, annual, financial, etc., forms for. *See* Practice and procedure.
Safety of life at sea convention, 1948. *See* Maritime radio services: shipboard stations.
Ship service. *See* Maritime services.
Special emergency radio service. *See* Public safety radio services.
Special industrial radio service. *See* Industrial radio services.
Standard broadcast stations. *See* Radio broadcast services.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Telephone and telegraph companies; common carrier regulations:
- International telegraph operations of Western Union Telegraph Co.; hearing with regard to divestment of Company of such operations, postponed ---- 742
- Point-to-point radiotelegraph service to Turkey; proposed additional service (Mackay Radio and Telegraph Co.), hearing respecting, postponed ---- 966
- Teleprinters and teleprinter tie-lines, providing of, in metropolitan areas; hearing ---- 741

Teleprinter operation:
- Frequencies to be used for radio-teleprinter operation ---- 801
- Hearing with respect to furnishing teleprinters and teleprinter tie-lines ---- 741

Television broadcast stations. *See* Radio broadcast services.

Theater television service, allocation of frequencies for, promulgation of rules, and enlargement of certain issues; notice of:
- Procedure, order of testimony, and list of witnesses at hearing on January 26, 1953 ---- 732
- Revised procedure to include additional testimony ---- 830

Urban transit radio service. *See* Land transportation radio services.

Hearings, etc.:

Air Signal Corporation of Washington ---- 967
All America Cables and Radio, Inc ---- 1014
American Broadcasting Stations, Inc ---- 967
American Telephone Answering Service (Long Beach) ---- 968
Azalea Broadcasting Co ---- 1014
Baltimore Radio Paging Service ---- 967
Beaumont Broadcasting Corp ---- 1094
Blake, John ---- 1096
Brush-Moore Newspapers, Inc ---- 1014
Champlain Valley Broadcasting Corp ---- 1096
Columbia Empire Telecasters, Inc ---- 742
Commercial Cable Co ---- 1014
Corbin, Walter F ---- 968
Darlington Broadcasting Co ---- 969
Diamond H. Ranch Broadcasters ---- 969
Enterprise Co ---- 1094
Freke-Hayes, J. J ---- 967
Halstead, Charles E ---- 969
Harbenito Broadcasting Co ---- 832
Head of the Lakes Broadcasting Co ---- 832, 1014
Hearst Radio, Inc ---- 740
Highlite Broadcasting Co ---- 1096
Inter-City Advertising Co ---- 969
Johnson-Kennedy Radio Corp ---- 1096
KDIA ---- 969
KFDM ---- 1096
KJBS Broadcasters ---- 968
KLZ Broadcasting Co ---- 1096
KOA ---- 832, 1096
KTRM ---- 1094
KTRM, Inc ---- 1094
KWTO ---- 1095
Key Broadcasting Corp ---- 832
Key Broadcasting System, Inc ---- 742
Lakehead Telecasters, Inc ---- 833
Mackay Radio and Telegraph Co., Inc ---- 966, 1014
Matheson Radio Co., Inc ---- 1096
Merchants and Farmers Station ---- 1096
Metropolitan Television Co ---- 832, 1096
Mid-State Broadcasting Co ---- 1096
Milwaukee Board of Vocational and Adult Education ---- 741
National Broadcasting Co., Inc ---- 832
New York Technical Institute of Cincinnati, Inc ---- 966, 967, 968
Northwest Television and Broadcasting Co ---- 742
Optner, Arthur ---- 966
Oregon Television, Inc ---- 742
Ozarks Broadcasting Co ---- 1094
Page Boy, Inc ---- 967
Parsons, Leroy E ---- 1096
Peoples Broadcasting Co ---- 755
Physicians Exchange (Long Beach) ---- 968
Port Arthur College ---- 742
RCA Communications, Inc ---- 741, 966, 1014
Radio Dispatching Service ---- 966

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Radio Message Service and Television Answering Service (Long Beach) ---- 968
Red River Broadcasting Co., Inc ---- 833, 1014
Ridson, Inc ---- 833
Rogers, Ward C ---- 966
Smith Radio Co ---- 742
Stark Broadcasting Corp ---- 1014
Telanserphone, Inc ---- 966
Tisdale, James M. (WVCH) ---- 832
Vale Corp., Inc ---- 967
Vocational and Adult Education Board, Milwaukee ---- 741
WAYS ---- 969
WFVG ---- 1097
WGAL, Inc (WGAL–TV) ---- 755
WGTM ---- 969
WIND ---- 1096
WKBS ---- 743
WTNJ ---- 743
WXKW ---- 1096
Washington Radio Paging Service ---- 967
Watson Industries Inc ---- 969
Western Union Telegraph Co ---- 741, 742, 1014
Wolfe, Charles R ---- 1096
Wrathall, Grant R ---- 968

FEDERAL HOUSING ADMINISTRATION:

Organization; delegation of authority and assignment of duties:
- Citation of authority ---- 780
- Commissioner, Acting; designation of officials to act as ---- 780
- Delegations of authority:
  - To Committees ---- 783
  - To named positions; specific delegations ---- 780

FEDERAL POWER COMMISSION:

Amortization of emergency facilities; treatment of Federal income taxes as affected by, proposed regulations respecting ---- 1140

Hearings, etc.:

Alabama-Tennessee Natural Gas Co ---- 919
Algonquin Gas Transmission Co ---- 917
Allied New Hampshire Gas Co ---- 917
Arizona Public Service Co ---- 807
Athol Gas Co ---- 917
Bahovec, Fred ---- 779
Biddeford and Saco Gas Co ---- 917
Big Horn Canyon Irrigation and Power Co ---- 1022
Blackstone Valley Gas and Electric Co ---- 917
Blue Ridge Electric Membership Corp ---- 779
Border Counties Power Cooperative, Inc ---- 779
California Oregon Power Co ---- 970, 1174
California Electric Power Co ---- 1048
Central Illinois Public Service Co ---- 807
Central Vermont Public Service Corp ---- 1048
Cities Service Gas Co ---- 807
Colorado Interstate Gas Co ---- 862
Community Public Service Co ---- 987
Consumers Gas Co ---- 919
Covington, Georgia ---- 779, 1021
Dernberger, H. G ---- 1049
El Paso Natural Gas Co ---- 778, 833, 918, 1122
Florida Power Corp ---- 917
Gardner Gas Fuel and Light Co ---- 917
Gas Service, Inc ---- 917
Glacier County Electric Cooperative, Inc ---- 807
Glacier Gas Co ---- 743
Greenfield Gas Light Co ---- 917
Gulf Interstate Gas Co ---- 743
Hastings, Nebraska ---- 862
Hulswit, Charles L ---- 834
Hylton, Hal T ---- 779
Interior Department ---- 1021
Iowa Public Service Co ---- 917
Iowa-Illinois Gas and Electric Co ---- 862
Kansas City Power and Light Co ---- 917
Kansas-Colorado Utilities, Inc ---- 862
Kansas-Nebraska Natural Gas Company, Inc ---- 862
Lake Shore Pipe Line Co ---- 988
Larrabee, Consuelo M ---- 779
Liversidge, Robert P ---- 1049
Lone Star Gas Co ---- 778
Lubell, Stanley ---- 779
Marias River Electric Cooperative, Inc ---- 807

FEDERAL POWER COMMISSION—Continued — Page
Hearings, etc.—Continued
Metropolitan Edison Co— 970
Michael, Paul S— 970
Mid-Georgia Natural Gas Co— 1021
Montana Power Co— 808
Mountain States Power Co— 1174
Nevada Natural Gas Pipe Line Co— 778
New York State Electric and Gas Corp— 778
New York State Natural Gas Corp— 988
Niagara Gas Transmission Limited— 917
Northeastern Gas Transmission Co— 917, 1022
Northern Natural Gas Co— 743, 862
Northwest Natural Gas Co— 743
Ohio Fuel Gas Co— 861, 943, 1049
Ohio Valley Gas Corp— 807
Pacific Gas and Electric Co— 744, 970, 1174
Pacific Northwest Pipeline Corp— 743
Pend Oreille Mines and Metals Co— 779
Pennsylvania Water and Power Co— 970
Phipps, John Wesley and Robert William— 779
Piedmont Natural Gas Co— 1049
Platte Valley Public Power and Irrigation District— 863
Portland Gas Light Co— 917
Prince George's Gas Corp— 744
Public Service Company of Colorado— 917
Public Utility District No. 1, Washington; Chelan County— 863
Puget Sound Power and Light Co— 863
Ramsey, H. Nedwill— 1049
Roanoke Pipe Line Co— 970
Rockland Light and Power Co— 1122
Seattle— 1022
Shippenburg Gas Co— 919
Southern California Edison Co— 703, 743
Southern California Gas Co— 744
Southern Counties Gas Company of California— 744
Southern Natural Gas Co— 807, 1022
Southern Union Gas Co— 1122
Southern Utah Power Co— 703, 1121
Southwestern Power Administration— 1022
Tennessee Gas Co— 919
Tennessee Gas Pipe Line Co— 807
Tennessee Gas Transmission Co— 807, 917
Texas Eastern Transmission Corp— 917, 919
Transcontinental Gas Pipe Line Corp— 987, 1021
Trans-Northwest Gas, Inc— 743
United Fuel Gas Co— 987
United Gas and Oil Co— 833
United Gas Pipe Line Co— 1122
Washington Gas Light Co— 744
Weaver, Lona Marie and Murray Dale— 779
Westcoast Transmission Company, Inc— 743
West Texas Gas Co— 1122
Wilcox Trend Gathering System, Inc— 919
Willmut Gas and Oil Co— 833
Regulations under Natural Gas Act and Federal Power Act:
Federal Power Act; treatment of Federal income taxes, as affected by accelerated amortization pursuant to section 124A of Internal Revenue Code, for accounting or rate-making purposes, proposed rule making— 1140
Natural Gas Act:
Approved forms, statements and reports; FPC Form No. 11, revised, Monthly Statement of Operating Revenues and Income for natural-gas companies (Classes A and B)— 813
Treatment of Federal income taxes, as affected by accelerated amortization pursuant to section 124A of Internal Revenue Code, for accounting or rate-making purposes, proposed rule making— 1140
Taxes, income, treatment of, as affected by accelerated amortization, notice of extension of time for filing comments on proposed rule making— 1140

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
Credit by brokers, dealers and members of national Securities Exchanges; supplement:
Margin required for short sales in general accounts— 1129
Maximum loan value for general accounts— 1129
Discount rates; revision and redesignation— 871

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page
Loans by banks for purpose of purchasing or carrying registered stocks:
Maximum loan value of stocks— 1129
Miscellaneous provisions; proposed rule making:
Determining type or status of securities— 1172
Loans for purpose of carrying certain registered stock, treatment of— 1172

FEDERAL SECURITY AGENCY:
See Food and Drug Administration.
Public Health Service.
Authority, delegation of, from General Services Administrator, respecting processing and distribution of motion pictures and film strips— 780

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints, etc.:
Altstadter, George— 811
American Association of Orthodontists— 893
Argentenum Laboratories— 811
Benrus Watch Co., Inc— 844
Cole, Benjamin B., Inc— 931
Cole, Hannah H. and Herman N— 931
Dispatch Forwarding System— 931
Dolcin Corporation— 1110
Federal Deposit System— 931
Heyman, Ethel P. and Harry H— 1130
Home Arts— 812
Juvenile Shoe Corporation of America— 998
Kasher, Charles D— 1111
Leibowitz, Marvin and Sheldon— 893
Leonards and Lee Surplus Sales Co— 893
Lynch's Diathermy Co— 977
Mueller Hair Experts— 997
Mueller, Sidney J— 997
National Health Aids, Inc— 1111
Normscope Surplus Sales— 893
Renner, Chester Burr— 812
Reznick, Nat M— 893
Shimmerlik, George— 1110
Sorrels, T. Wallace— 893
Sunway Vitamin Co— 1130
Television Advertising Associates, Inc— 1111
Thorkon Co— 1158
Van Der Linde, Victor— 1110
Wantz, Albert T— 1110
Whitlock, C. G., Chemical Co— 975
Trade practice rules; notice of hearings, regulations, etc.; industrial bag and cover industry, notice of conference— 703

FELLOWSHIPS, grants, etc.:
Public health fellowships; travel expenses. *See* Public Health Service.
States, Federal aid to. *See* States.

FISH AND WILDLIFE SERVICE:
Hunting and possession of wildlife, migratory birds and certain game mammals; waterfowl and coot in agricultural areas of California, order permitting killing of— 828

FOOD AND DRUG ADMINISTRATION:
Drugs:
Certification of batches of antibiotic and antibiotic-containing drugs:
Biological drugs, containing antibiotics— 894
Various drugs:
Penicillin— 951
Streptomycin— 952
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Penicillin— 951
Streptomycin— 951
General policy or interpretation, statements of; direct or indirect addition of antibiotic drugs to foods for human consumption— 1077

FOREIGN ASSETS CONTROL DIVISION. *See* Treasury Department.

FOREST SERVICE:
Trespassing horses, orders for removal from Beaverhead National Forest, Montana— 736

GENERAL SERVICES ADMINISTRATION: Page
See Public Buildings Service.
Authority, delegations of, by administrator to various officials:
Agriculture Department, Secretary; authority to negotiate without advertising contract for certain materials in connection with research project 1101
Defense Department, Secretary; representation of Government agencies before Alabama Public Service Commission respecting application by Alabama Power Co. to increase electric rates 1023
Federal Security Agency, respecting processing and distribution of motion pictures and film strips 780
Film strips. *See* Motion pictures and film strips.
Manganese, domestic, purchase for Government use and resale:
Purchase program, Montana; Butte and Philipsburg, price schedule for ore:
Gold in manganese ore, payment for 1112
Manganese oxide delivered f. o. b. railway cars, Philipsburg 1112
Silicates, manganese contained in ore as; no payment for 1112
Regulations:
Definitions, "manganese ore or concentrates" 1113
Price, premiums, and penalties 1113
Specifications; chemical and physical requirements of acceptable lots 1113
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Minerals, metals and other raw materials; procurement for Government use or resale. *See* Manganese.
Motion pictures and film strips, processing and distribution of; authority of Federal Security Agency respecting 780
Procurement:
Army procurement procedure from or under GSA. *See main heading* Army Department.
In areas and industries of current or imminent manpower surpluses. *See main heading* Defense Mobilization, Office of.
Joint regulations of armed forces, armed services procurement regulations. *See main heading* Defense Department.
Manganese procurement. *See* Manganese.
Rates and charges, representation of Government agencies in hearings in connection with; authority of Secretary of Defense respecting. *See* Authority.
Research project, materials used in connection with; authority of Secretary of Agriculture to negotiate contract without advertising 1101
GOVERNMENT EMPLOYEES:
Civil Service regulations, etc. *See* Civil Service Commission.
Prohibition against receiving compensation, gifts, etc., with certain exceptions when approved by Governor, by officers and employees of Farm Credit Administration and of corporations functioning thereunder from certain persons 975
GOVERNMENT OPERATIONS, SENATE COMMITTEE ON, inspection of tax returns by (Executive Order 10435) 809

H

HANDICAPPED PERSONS; employment in sheltered workshops. *See* Wage and Hour Division.
HAWAII:
Fruits and vegetables from, quarantine of. *See* Entomology and Plant Quarantine Bureau.
Kahoolawe Island; reservation for naval purposes, provisions respecting soil conservation and eradication of clovenhooved animals (Executive Order 10436) 1051
HOUSING AND HOME FINANCE AGENCY: Page
See Federal Housing Administration.
Public Housing Administration.

I

IMPORTS AND EXPORTS:
Customs regulations respecting. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
Foreign trade statistics, shipper's export declaration. *See* Census Bureau.
Investigations of imports. *See* Tariff Commission.
INDIAN AFFAIRS BUREAU:
Irrigation projects; operation and maintenance charges for various projects:
Colorado River Indian irrigation project, Arizona:
Charges, proposed 939
Excess water charges, proposed 939
Salt River Indian irrigation project, Arizona:
Basic charge, proposed 940
Delivery of water, proposed 940
Uintah Indian irrigation project, Utah:
Basic water charges 797
Charges for additional delivery points 797
INTERIOR DEPARTMENT:
See Fish and Wildlife Service.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
Petroleum Administration for Defense.
Reclamation Bureau.
Authority, delegation of, by Secretary to Fred G. Aandahl to exercise functions of Secretary respecting water and power development, and to direct and supervise Bureau of Reclamation, Bonneville Power Administration, Southwestern Power Administration, and Southeastern Power Administration 911
Finns Point Range Rear Light Station, Salem County, New Jersey, transfer of to Secretary of Interior for migratory bird conservation, pursuant to act of May 19, 1948 943
National forest lands, California and New Mexico, oil and gas lease applications for; rejection 700, 702
Oil and gas lease applications for certain forest lands in California and New Mexico, rejection of 700, 702
Power and water development. *See* Water and power development.
Water and power development; authority of Fred G. Aandahl to exercise functions of Secretary respecting, and to direct and supervise Bureau of Reclamation, Bonneville Power Administration, Southwestern Power Administration, and Southeastern Power Administration 911
INTERNAL REVENUE BUREAU:
Administrative provisions common to various taxes; inspection of income, excess-profits, capital stock, estate, and gift tax returns by Senate Committee on Government Operations 819
Executive Order 10435, respecting 809
Armed forces:
Compensation of members of armed forces for service in combat zone, 1950–1953, or for service while hospitalized as result of combat service; exclusion from gross income 715
Income taxes, abatement of, for members of armed forces who died in active service 715
Residences, sale or purchase of, by members of armed forces on active duty; suspension of time limitation, up to four years, with respect to nonrecognition of gain on sale 1034
Telephone calls from members of armed forces in combat zones; tax exemption with respect to 1159
Communications services, excise tax on. *See* Excise tax regulations.

INTERNAL REVENUE BUREAU—Continued — Page

Excess profits tax. *See* Income and excess profits taxes regulations.
Excise tax regulations:
Communications services; telephone, telegraph, radio, and cable facilities:
Exemptions:
Armed forces, members of, in combat zones; telephone calls from — 1159
Services furnished to United States, States, or political subdivisions; exemption certificate, change in reference — 1159
Use and retention of exemption certificates; redesignation — 1159
Scope of regulations; applicability of certain sections of Revenue Act of 1951 to tax on communications — 1159
Transmission of dispatches, messages, and conversations:
Effective period; reduced rate of tax on amounts paid for domestic services — 1159
Rate and application of tax; telegraph, cable, and radio dispatches and messages — 1159
Domestic messages — 1159
International messages — 1159
Distilled spirits; labeling requirements. *See* Intoxicating liquors, *below*.
Telephone, telegraph, radio, and cable facilities. *See* Communications services.
Transportation of persons, tax on:
Change in references — 1160
Exemptions:
Fishing trips — 1160
Transportation outside northern portion of Western Hemisphere; applicable provisions with respect to payment made on or after November 1, 1951, for transformation by water — 1160
Forms, description of. *See* Procedure.
Income and excess profits taxes regulations:
Excess profits tax; taxable years ending after June 30, 1950:
Newspapers; consolidation of operations with publishing corporations in same area, average base period net income computation — 716
Rate and computation of tax:
Credit, excess profits; regulated public utilities:
Definitions:
Adjusted invested capital — 897
By-products and residual products — 897
Rates — 897
Redesignations — 897
Regulated public utility:
Corporation engaged as common carrier — 897
Corporation engaged in furnishing or sale of transportation of oil and petroleum products — 897
Excess profits credit:
Computation:
In case of certain defined corporations — 898
References, change in — 898
Of regulated public utilities entitled to benefits of section 448, references with respect to consolidated returns of affiliated corporations which include utilities — 897
Foreign income; exclusion, in computation, of income derived from sources within foreign countries. *See* Net income.
Life insurance companies, computation of excess profits net income, taxable year 1952 — 1036
Net income for taxable years, computation of:
Average base period net income; computation:
Excess profits credit based on income; determination of average base period net income — 933
Increase in capacity for production or operation:
Manufacturing corporations, certain; increase in peacetime capacity and transition from war production — 933
Newspapers, consolidation of operations with publishing corporations in same area — 716

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Excess profits tax; taxable years ending after June 30, 1950—Continued
Rate and computation of tax—Continued
Net income for taxable years, computation of—Continued
Average base period net income; computation—Continued
Transition from war production and increase in peacetime capacity of corporations engaged in manufacturing since 1940 — 933
Excess profits net income, computation:
For taxable years ending after June 30, 1950:
Exclusion of blocked, or otherwise restricted income derived from sources within any foreign country — 896
Life insurance companies, computation of excess profits net income; applicability of provisions to taxable year 1952 — 1036
For taxable years in base period; adjustment required for dividends received, when section 26 (b) limitation is applicable — 872
Public utilities, regulated. *See* Credit, excess profits.
War production, transition from, and increase in peacetime capacity; computation of average base period net income by certain manufacturing corporations — 933
Income tax, taxable years beginning after December 31, 1941:
Armed forces:
Abatement of income taxes for members of armed forces on death — 715
Compensation of members of armed forces for service in combat zone, 1950–1953, or for service while hospitalized as result of combat service; exclusion from gross income — 715
Residences, sale or purchase of, by members of armed forces on active duty; suspension of certain time limitation respecting nonrecognition of gain on sale — 1034
Computation of net income:
Deductions:
Contributions or gifts, by corporations, taxable years beginning after December 31, 1942; submittal of evidence of authorization for charitable contributions claimed required — 797
Contributions authorized after January 1, 1953; additional requirement — 797
Medical, dental, etc., expenses — 894
Applicability of provisions to taxable years before January 1, 1951 — 895
Deductions not allowable — 895
Redesignations — 895
Spouse or dependent of taxpayer, medical expenses for care of; tax treatment in case of — 895
Taxable years beginning after December 31, 1950, taxpayer or spouse, age 65 or over; removal of 5 percent limitation on deduction for medical expenses — 895
Unharvested crop sold with land, items attributable to; deduction not allowed, taxable years after December 31, 1950 — 798
Distributions (dividends, etc.) by corporations, effect on earnings or profits of certain tax-free exchanges and tax-free distributions; distributions pursuant to plan of reorganization — 1000
Exclusions from gross income, military and naval personnel; compensation of members of armed forces of United States for service in combat zone after June 24, 1950, and prior to January 1, 1954, or for service while hospitalized as a result of such combat-zone service — 715

20000—53——3

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Gain or loss:
Basis for determining gain or loss (property acquired by gift, transfer, exchange, etc.):
Adjusted basis, cancellation or discharge of indebtedness, etc:
Residence, adjustment to basis with respect to; reference 1035
Unharvested crop sold, exchanged, or converted in taxable year after December 31, 1950, with land; tax treatment of 798
Change in reference 1000
Distributions, certain, on reorganization, basis of stock on 1000
Involuntary conversion, property acquired as a result of 1035
Capital gains and losses:
Determination of period for which capital assets are held; residence, inclusions in period for which held 1035
From involuntary conversions, and from sale or exchange of certain property used in trade or business:
In general, description of gains and losses; unharvested crop, gain and loss from sale, etc., taxable years after December 31, 1950 798
Unharvested crops; definition of conditions respecting 798
Sales or exchanges:
Determination of amount and recognition of:
Involuntary conversions:
Reinvestment of proceeds of involuntary conversion; redesignation 1030
Replacement funds where disposition of converted property occurred prior to January 1, 1951 1030
Where disposition of converted property occurred after December 31, 1950 1030
Conversion into money or into dissimilar property 1030
Conversion into similar property 1030
Where disposition of converted property occurred prior to January 1, 1951 1030
Nonrecognition of gain in distribution of stock in case of reorganization; reference 999
Reorganizations, mergers, etc.:
Definition of terms, plan of reorganization; distributions 1000
Distributions, certain, of stock on reorganization 999
Limitations upon application of provisions respecting nonrecognition of gain or loss relating to distribution of stock not in liquidation 999
Receipt of stock or securities in reorganization without surrender of stock by shareholder; distribution to shareholder after October 20, 1951, reference 1000
Scope of exception of reorganization exchanges; nonrecognition of gain or loss with respect to distribution after October 20, 1951 to certain shareholders 1000
Residence, gain from sale or exchange of; taxable years after December 31, 1950 1032
Application of section, rules for 1032
Cost of purchasing new residence 1033
Husband and wife, selling price and cost of residence in case of 1033
Property used by taxpayer as principal residence 1032
Purchase of residence 1033
Sale and selling price of old residence 1033

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Gain or loss—Continued
Sales or exchanges—Continued
Determination of amount and recognition of—Continued
Residence, gain from sale or exchange of; taxable years after December 31, 1950—Continued
Armed forces, members of, on active duty, sale and purchase of residence; suspension of time limitation, up to four years, with respect to nonrecognition of gain on sale 1034
Basis of new residence 1033
Limitations on application of section and statute of limitations 1034
Property used in trade or business; gains and losses from sale of unharvested crop 798
Medical expenses, etc., tax treatment of. *See* Deductions.
Military and naval personnel; exclusions from gross income. *See* Exclusions from gross income.
Corporations:
Credit allowance. *See* Credits against tax, *below*.
Charitable contributions claimed; submittal of certain required evidence 797
Distributions, certain, of stock on reorganization 999
Surtax on corporations improperly accumulating surplus 998
Credits against tax:
Analysis of credit for taxes, taxable years ending after June 30, 1950; allowance of credit for taxes against excess profits tax under certain limitations 677
Excess profits tax, credit against, for taxes paid or accrued during taxable year after June 30, 1950, to any foreign country or possession of United States 679
Limitations on credit for foreign taxes; amounts of taxes paid to foreign countries, tentative credit, exclusions in computing tax, allowance of credit 677
Redetermination of amount of tax when credit proves incorrect 677
Deficiencies, assessment and collection of, period of limitation on assessment of tax; deficiencies described in section relating to nonrecognition of gain or loss in involuntary conversions and sale or purchase of residence, time of assessment 1035
Estates and trusts, taxation of; net income (allocation to legatees and beneficiaries, etc.):
Application of provisions respecting allowable deductions in case of trusts, rules for; limitation on charitable, etc., deduction:
Trusts accumulating income; taxable year beginning after December 31, 1950 1002
Trusts engaged in prohibited transactions after July 1, 1950 1002
Trusts with trade or business income; taxable year beginning after December 31, 1950 1002
Gifts made in trust, disallowance to donors of certain charitable, etc., deductions for 1003
Income of estates and trusts:
Limitations on certain allowable deductions, references with respect to 1002
Trusts claiming allowable charitable, etc., deductions, taxable years after December 31, 1950, subject to certain limitations 1002
Exchanges and distributions in obedience to orders of Securities and Exchange Commission; definitions, system group, taxable years affected by an exchange or distribution made:
After December 31, 1947 896
Before January 1, 1948 895
Foreign tax credit; statutory provisions 677

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Forms, description of. *See* Procedure, *below.*
Head of household, surtax in case of — 1135
Husband and wife; gain from sale or exchange of residence, treatment of, taxable years after 1950 — 1033
Individuals with gross income from certain sources of $3,000 or less; manner of election to compute tax under Supplement T, taxable years after 1943, reference with respect to head of household — 1137
Insurance; tax on life insurance companies:
Adjustment for certain reserves; determination of adjusted normal-tax net income, taxable year beginning 1951 or 1952 — 1036
Regulations with respect to tax on net income, interest paid, and adjusted reserves made applicable to 1952 — 1036
Reserve interest credit, regulations respecting, applicable to 1952 — 1036
Tax in case of taxable year beginning in 1951 or 1952 — 1036
Involuntary conversions. *See* Gain or loss.
Medical expenses, deductions for. *See* Computation of net income.
Payment of tax. *See* Returns and payment of tax.
Rates of tax:
Head of household, surtax in case of — 1135
Surtax on corporations (domestic or foreign) improperly accumulating surplus, undistributed section 102 net income, computation of; deductions from corporate net income, taxable years after 1950 — 998
Amount remaining after deduction of excess of long-term capital gains — 999
Surtax on individuals:
Computation of surtax; reference with respect to tax treatment of surtax on head of household, taxable years beginning 1951 — 1136
Head of household, surtax in case of; definitions, applicability of provisions, cost of maintaining household — 1136
Tables of rates, taxable years beginning in 1951 and after 1953 — 1136
Residence, sale or purchase of, tax regulations respecting. *See* Computation of net income: gain or loss.
Returns and payment of tax:
Armed forces; abatement of income taxes of certain members of armed forces of United States upon death — 715
Individual returns; form of return, taxable years after 1947, head of household — 1137
Information returns; information required of certain trusts claiming charitable or other deductions under section 162 (a) — 1001
Exception to provisions with respect to filing of information — 1001
Securities, stocks, etc.:
Reorganization; certain distribution of stock to shareholders of corporations on reorganization — 999
Securities and Exchange Commission; exchanges and distributions in obedience to orders of. *See* Exchanges.
Inspection of tax returns by Senate Committee on Government Operations — 819
Executive Order 10435, respecting — 809
Intoxicating liquors; labeling requirements for distilled spirits, name and address — 717
Medical expenses, deductions for, in computation of net income. *See* Income and excess profits taxes regulations: income tax.
Procedure, income and excess profits taxes, forms, description of; Form 1041–A (Fiduciary information required of certain trusts) — 1003
Telephone, telegraph, etc., communications, tax with respect to. *See* Excise tax regulations.
Transportation of persons, tax with respect to. *See* Excise tax regulations.

INTERNATIONAL ORGANIZATIONS, PUBLIC, customs regulations respecting articles conditionally free, etc. *See* Customs Bureau. — Page

INTERNATIONAL TRADE, OFFICE OF:
Atomic Energy Act, export control respecting commodities subject to — 905
Export control:
Denial or suspension of export privileges:
Orders affecting various firms or persons. *See* Suspension of license privilege, *below.*
Table of compliance orders currently in effect denying export privileges — 906, 978
Enforcement provisions; return or unloading of cargo at direction of Commerce Department or Collector of Customs — 978
Licenses:
Blanket (BLT) license — 978
Application requirements, renumbered — 978
Commodities subject to procedure; deletion — 978
Effect of other provisions — 978
Export clearance, renumbered — 978
Validity period, renumbered — 978
Periodic requirements license, supplement 1, commodities subject to — 713
Licensing policies and related special provisions:
Iron and steel — 978
Time schedules, supplement 1, for submission of applications for export licenses — 978, 1132
Totally allocated commodities, certain, special provisions for; tin, deletion — 978
Positive List of Commodities and related matters; Appendix A, Positive List of Commodities — 713, 906, 979, 1132
Additions or deletions of commodities in listed categories:
Acids and anhydrides, inorganic — 907
Aluminum fluoride — 907
Brass goods. *See* Construction materials; Hardware, basic; Plumbers' brass goods; *and* Venetian blinds.
Carbon or graphite products — 907
Construction materials; sash, brass and bronze — 1132
Containers, metal, for shipping — 907
Cooling towers — 907
Electrical apparatus and parts, n. e. c — 979
Electrical quantity measuring and testing instruments and parts — 979
Fence posts, iron or steel — 907
Ferrophosphorous — 907
Fertilizer-manufacturing machinery — 907
Germanium compounds — 906
Graphite or carbon products — 907
Hardware, basic; hinges, bolts, nails, etc — 907
Heat exchangers; cooling towers — 907
Lead styphnate — 906
Lubrication equipment — 907
Metal manufactures, n. e. c — 907
Military apparel — 979
Nonferrous metals and alloys; crystalline silicon — 907
Paints containing radium — 907
Plastics and resin materials — 907
Plumbers' brass goods — 907
Potassium fluoride — 907
Rhodium chloride — 907
Shipping containers, metal — 907
Sodium fluoride — 907
Spiegeleisen — 907
Transforming or converting apparatus, n. e. c., and parts — 979
Tributyl phosphate — 907
Type, printing — 907
Venetian blinds and parts, brass and bronze — 1132
Wax; emulsion, Benowax, Pennwax, Cabax, Diax-O-Wax, and Velatrum wax — 907
Scope of export control, commodities subject to Atomic Energy Act:
Definitions; facilities for production of fissionable material, list of class I and class II facilities — 905
License applications, available from Atomic Energy Commission, Licensing Controls Branch — 906
Reference changed to 10 CFR Parts 40 and 50 — 905

INTERNATIONAL TRADE, OFFICE OF—Continued — Page

Suspension of license privilege:
Orders affecting various firms or persons:
Beck-Kassel (U. S. A.), Inc — 1142
Broadway Distributing Corp — 1142
Capehart Mercantile Agency, Inc — 1142
Dudek, Marion — 832
Finkelman, Stanley — 1142
Hillard Corp — 1142
Joel, Manfred — 912
Martin, Bernard — 940
Martin Enterprises — 940
Paulstan American Corp — 1142
Paulstan Company, Inc — 1142
Paulstan International Corp — 1142
Shulman, Alvin E — 940
Universal Transport Corp — 911
Table of compliance orders currently in effect denying export privileges — 906, 978

INTERSTATE COMMERCE COMMISSION:
Accounts, uniform system of. *See* Uniform system of accounts.
Agreement, motor carriers. *See* Motor carriers.
Bureau of Motor Carriers; abolishment and reapportionment of District No. 5 — 1126
Commercial zones and terminal areas for motor carriers. *See* Motor carriers.
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.) packing and transportation of:
Commodity list of explosives and other dangerous articles, containing shipping name or description; changes, additions, and deletions — 801
Motor carriers, common or contract; regulations respecting improperly packed or damaged shipments in transportation — 805
Rail carriers in baggage service:
Application of part — 805
Reporting violations and accidents or fires — 805
Rail express carriers; violations and accidents or fires must be reported — 805
Rail freight carriers:
Emergency shipments; redesignation — 804
Improperly packed or damaged shipments in transportation — 804
Loading, unloading, placarding, and handling cars, loading packages into cars, selection, preparation, inspection of car and certificate — 804
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.):
Acids and other corrosive liquids, certain; definition and preparation — 803
Compressed gases, definition and preparation; liquified petroleum gas — 803
Explosives, Class A; definitions and preparation:
Ammunition, projectiles, grenades, bombs, mines and torpedoes — 802
High explosives, certain — 802
Flammable liquids; definition and preparation; flammable liquids not specifically provided for — 802
Flammable solids and oxidizing materials, certain; definition and preparation — 803
Poisonous articles, certain; definition and preparation — 804
Preparation of articles for transportation by carriers by rail freight, rail express, highway or water:
Prohibited packing — 801
Tank cars; qualification, maintenance, and use of — 802
Shipping container specifications:
Carboys, jugs in tubs, and rubber drums — 805
Fibreboard boxes, drums, and mailing tubes — 806
Metal barrels, drums, kegs, cases, trunks, and boxes — 805
Tank cars — 806
Motor carriers:
Agreement relating to rates, regulations, etc.; Specialized Motor Carriers Association respecting transportation of oilfield, refinery, and pipeline machinery, materials, supplies, and equipment — 1050

INTERSTATE COMMERCE COMMISSION—Continued — Page

Motor carriers—Continued
Bureau of Motor Carriers; abolishment and reapportionment of District No. 5 — 1126
Commercial zones and terminal areas, definitions; New Orleans, La., proposed rule making — 1050
Explosives, shipment and handling of. *See* Explosives and other dangerous articles.
Terminal areas. *See* Commercial zones and terminal areas.
Organization, Bureau of Motor Carriers. *See* Motor carriers.
Railroads:
Accounts, uniform system of. *See* Uniform system of accounts.
Explosives, packing and transporting of. *See* Explosives.
Long-and-short-haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Routing and rerouting of traffic. *See* Routing of traffic.
Rates and charges:
See also Tariffs and schedules.
Increased express rates and charges, 1953 — 1125
Reports; water carriers. *See* Water carriers.
Routing and rerouting of traffic; authority and direction to carriers to reroute certain traffic:
Ann Arbor Railroad Co — 1126
Chicago Great Western Railway Co — 884
Southern Pacific Co — 1102
Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Alcohol; from Baltimore, Md., Philadelphia, Pa., Bayway, Carteret, and Newark, N. J., to Holston and Kingsport, Tenn — 1146
Alcoholic liquors:
Between central (including Illinois territory, northern Illinois, southern Wisconsin, and extended Zone C) and trunk-line territories, on the one hand, and points in New England territory, on the other — 839
Between central, trunk-line and New England territories, on the one hand, and points in northern Illinois, southern Wisconsin, and extended Zone C, on the other — 839
All and/or various commodities:
From, and to points in southern and official territories — 790
From New York, N. Y., to Montgomery, Ala — 992
From points in trunk-line and New England territories to Dania, Fla., and from Philadelphia, Pa., to Memphis, Tenn — 993
Barn equipment; from Harvard, Ill., to Albany, N. Y — 1025
Boxes. *See* Paper, and paper articles.
Carbon dioxide; from Chicago, Ill., to Cleveland, Ohio — 791
Caustic soda; from Huntsville and Redstone Arsenal, Ala., to Blakely, Brookley, and Mobile, Ala., Cantonment, Gonzales, Pensacola, and North Pensacola, Fla — 1146
Cement and related articles:
From Chattanooga, Tenn., to Murphy, N. C — 868
From Des Moines and West Des Moines, Iowa, to Sioux City, Iowa — 758
Coal:
From Hazard district, Ky., (L & N) mines, to points in southeastern and Carolina territories — 747
From Louisville and Nashville Railroad mines in western Kentucky district, to Lawrence Siding, S. Dak — 945
From New River, Kanawha, and Big Sandy districts in West Virginia and Virginia — 757
From points in Illinois, Indiana, and western Kentucky, to Waukegan, Ill — 790
Coffee; from Boston, Mass., New York, N. Y., Baltimore, Md., Albany, N. Y., and Philadelphia, Pa., to Bruceton and Rook, Pa — 838

INTERSTATE COMMERCE COMMISSION—Continued Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Coke; from Chicago, and Lockport, Ill., to Niagara Falls and Suspension Bridge, N. Y., Chippewa, Ont., and other points in Ontario, Canada 1175
Concrete building or roofing slabs; between points in southern territory on the one hand, and points in trunk-line and New England territories, including Buffalo-Pittsburgh zone, on the other 790
Ethylene dibromide; from Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Baton Rouge and North Baton Rouge, La 1174
Feed, animal or poultry; from Savannah and Port Wentworth, Ga., mixed in transit at Macon, Ga., to Pinetta, Fla., Gracewood and other Georgia points 867
Ferro-chrome; from Charleston, S. C., to Ironton, Ohio 867
Fertilizer and related articles:
From points in Arkansas, Louisiana (west of Mississippi River), and Texas, to Stoney Creek, Va 920
From points in southwestern territory, also in Kansas, to Mt. Olive, Crenshaw, and Tenco, Tenn 758
Formaldehyde; from Tallant, Okla., and Bishop, Tex., to points in southwestern and western trunk-line territories 922
Glycerine; from Dallas and Houston, Tex., to Newark, N. J 704
Grain and grain products:
Feeding grains; from Eastern Colorado and central and western Kansas, to Northern Colorado and southeastern Wyoming 758
From, to, and between points in southern territory 790
From Chicago, Joliet, and Lockport, Ill., to points in Arkansas and Missouri 921
Hydrol; from Corpus Christi, Tex., to Louisville, Ky 921
Iron and steel:
Articles; from Middletown, Ohio, to New Orleans, La 1024
Billets; from Huntington, W. Va., to points in central territory 868
Pig; from North Tonawanda, N. Y., to Worcester, Mass 922
Scrap:
Between points in Texas, including border points applicable on interstate traffic 944
From Augusta, Ga., to specified points in Alabama 922
Lumber; from North Pacific coast points, to specified points in Wisconsin 759
Meats and packing house products, fresh; from Sioux City, Iowa, and Omaha and South Omaha, Nebr., to Dalhart, Amarillo, Plainview and Lubbock, Tex 1175
Motor fuel anti-knock compounds; from Baton Rouge and North Baton Rouge, La., to Claymont, Del., Jersey City, N. J., Philadelphia, Pa., and other named Delaware, New Jersey, and Pennsylvania points 1025
Paper and paper articles:
Boxes; from West Monroe, La., to St. Louis, Mo., and East St. Louis, Ill 921
From Algoma and Menash, Wis., to Canton, Ohio, Trenton, N. J., and Rochester, N. Y 1102
From West Monroe, La., to points in Zone 1 of western trunk-line territory 867
Gypsum board paper; from Urban, Ohio, to Baltimore, Md 868
Scrap; from Canton, N. C., to Thomson and Trionda, N. Y 1175
Petroleum and petroleum products:
From Baton Rouge, La., to Gulfport, Miss 791
From Fort Chadbourne, Tex., to points in southwestern, southern, official, and western trunk-line territories 759

INTERSTATE COMMERCE COMMISSION—Continued Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Petroleum and petroleum products—Continued
From Fullerville, Tex., to points in southwestern, southern, official, and western trunk-line territories 746
Plasterboard; from Acme, Celotex, Rotan, and Sweetwater, Tex., to Hope, Ark., Monroe and Shops, La 970
Pulpboard; from Panama City, Fla., and Georgetown, S. C., to Golden Ring, Md., Fall River, Mass., and Gloucester, N. J 971
Ranges. *See* Stoves and ranges.
Rates:
Class and commodity rates; between points on Missouri-Kansas-Texas System lines and between points on Illinois Central Railroad 993
Commodity rates; between Vee, Ohio, on the one hand, and points in United States and Canada on the other 1101
Motor-rail-motor rates:
Between Boston, Mass., on the one hand, and Harlem River, N. Y., on the other 838
Between Boston, Mass., and Providence, R. I., on the one hand, and New Haven, Conn., on the other 838
Between Boston, Springfield, and Worcester, Mass., Hartford and New Haven, Conn., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other 1101
Between New Haven, Conn., on the one hand, and Harlem River, N. Y., on the other 838
Between Providence, R. I., on the one hand, and Harlem River, N. Y., on the other 839
Between Springfield, Mass., and Harlem River, N. Y 945
Rubber; from Baytown, Borger, Houston, and Port Neches, Tex., and Lake Charles and West Lake Charles, La 1175
Sand:
From Crystal City, Klondike, Ludwig, Pacific, and Sand Pit, Mo., and Guion, Ark., to Louisville, Ky 791
From Vincennes, Ind., to Ernst and West Union, Ill 1025
Soda, caustic. *See* Caustic soda.
Soybeans; From Memphis, Tenn., and Helena, Ark., to New Orleans, La., for export 759
Stoves and ranges; from Nashville, Tenn., to New Orleans, La., and points within switching limits of New Orleans, for export 921
Syrup:
From East St. Louis, Ill., to Boston, Mass., New York, N. Y., and Philadelphia, Pa 838
From Keokuk, Iowa, to Baltimore, Md., and other eastern port cities 867
Various commodities. *See* All and/or various commodities.
Vermiculite:
From High Point, N. C., to points in southern territory 945
From Travelers Rest, S. C., to points in official (including Illinois) territory 746
Woodpulp:
From Coosa Pines, Ala., to Iron Mountain, Mich 757
From points in southern territory to Clarence Centre, N. Y 945
From St. Marys, Ga., to Gilman, Vt 758
Terminal areas for motor carriers. *See* Motor carriers.
Uniform system of accounts; railroad companies, general balance sheet accounts, debit:
Capital and other reserve funds 697
Insurance and other funds 697
Special deposits 697
Water carriers, reports; annual report Form M prescribed for Maritime carriers 1043

INVENTIONS, relating to national security, secrecy of. *See* Patent Office.

IRRIGATION PROJECTS. *See* Indian Affairs Bureau. Page

J

JUSTICE DEPARTMENT:
See Alien Property, Office of.
Communist organization and members, registration of; definition of terms "moneys received" and "moneys expended" 768
Organization; Claims Division changed to Civil Division 1046

L

LAND MANAGEMENT BUREAU:
Air Force Department; lands withdrawn for use of, in Alaska. *See under* Withdrawals.
Air-navigation sites, withdrawal of lands for, in Nevada, and New Mexico. *See under* Withdrawals.
Alaska:
Homesteads, lands opened to entry for. *See* Lands opened to homesteads entry, *below.*
Lands opened to entry by veterans and general public. *See* Lands opened to homestead entry, *below.*
Small tracts. *See* Small tracts, *below.*
Survey, notice of filing of plat of. *See* Survey, *below.*
Territories, Office of, transfer to, of jurisdiction of interest in certain lands; for Cordova Water System, proposed 755
Timber, free use of, on public lands 937
Townsite, notice of sale of lots; Seward Townsite 1092
Withdrawal of lands. *See under* Withdrawals, *below.*
Army Department, lands in Alaska and Washington withdrawn for. *See under* Withdrawals.
Atomic Energy Commission, lands in Washington withdrawn for use of. *See under* Withdrawals.
Authority, delegations of, from Director to various regional officials:
Region II:
Managers of land offices; authority to approve exchanges where value does not exceed $50,000 734
Regional Chief, Division of Lands:
Authority to classify public lands 734
Authority to initiate Government contests against all classes of claims except those involving mining laws 734
Regional Chief, Division of Minerals; authority to initiate Government contests against claims where mining laws are involved (except mineral entries) 734
Region III:
Managers of land offices; authority to approve exchanges where value does not exceed $50,000 735
Regional Chief, Division of Lands:
Authority to classify public lands 734
Authority to initiate Government contests against all classes of claims except those involving mining laws 734
Regional Chief, Division of Minerals; authority to initiate Government contests against claims where mining laws are involved (except mineral entries) 734
Region IV:
Managers of land offices; authority to approve exchanges where value does not exceed $50,000 735
Range managers; authority respecting sales other than timber where value does not exceed $300, and on matters respecting free use 735
Regional Chief, Division of Lands:
Authority to classify public lands 735
Authority to initiate Government contests against all classes of claims except those involving mining laws 735
Regional Chief, Division of Minerals:
Authority to initiate Government contests against claims where mining laws are involved (except mineral entries) 735
Authority respecting sale of materials other than timber of appraised value not to exceed $20,000, and matters respecting free use 735

LAND MANAGEMENT BUREAU—Continued Page
Authority, delegations of, from Director to various regional officials—Continued
Region V:
Managers of land offices; authority to approve exchanges where value does not exceed $50,000 735
Regional Chief, Division of Lands:
Authority to classify public lands 735
Authority to initiate Government contests against all classes of claims except those involving mining laws 734
Regional Chief, Division of Minerals:
Authority to initiate Government contests against claims where mining laws are involved (except mineral entries) 735
Authority to perform functions of manager of land office respecting lands in Oklahoma not in land district 735
Regional Chief, Division of Range Management; authority to issue grazing leases and permits, enter into cooperative agreements to construct and maintain improvements on leased lands, and determine value of improvements 735
Civil Aeronautics Administration, air-navigation sites withdrawn for use of, in Nevada and New Mexico. *See under* Withdrawals.
Grazing lands; administration by Bureau:
Nevada 1141
New Mexico 1121
Homesites, lands available for lease or sale as, under Small Tract Act. *See* Small tracts.
Homesteads, lands opened to entry for. *See* Lands opened to homestead entry by veterans and general public.
Lands opened to entry by veterans and general public:
Alaska 699, 777
Nevada 1141
New Mexico 1121
Leasing of oil and gas lands. *See* Mineral lands and minerals.
Mineral lands and minerals:
Oil and gas deposits, Louisiana, Barksdale Air Force Base Reservation; transfer of jurisdiction from Air Force to Interior Department (PLO 884) 846
Oil and gas lease applications, for certain national forest lands, to be rejected:
California, Los Padres National Forest 700, 702
New Mexico, Santa Fe National Forest 702
National forests:
California, Los Padres National Forest; rejection of oil and gas lease applications respecting Ventana Wild Area, San Rafael Wild Area and Santa Ynez Watershed 700, 702
New Mexico, Santa Fe National Forest; rejection of oil and gas lease applications respecting San Pedro Parks Wild Area 702
Oil and gas deposits, leases, etc. *See* Mineral lands and minerals.
Power-site classification, Alaska, No. 399; notice of filing of plat of survey 699
Reclamation purposes, Washington; lands near Willamette Meridian:
Army Department, military purposes, revocation of prior order (PLO 261) as to described lands (PLO 881) 753
Precedence of order reserving lands for use of Atomic Energy Commission (PLO 81) 753
Rights-of-way for reservoirs, dams, etc. for hydroelectric power or irrigation purposes reserved for United States; discontinuance of other rights-of-way which conflict -1172
Small tracts; lands opened for purchase or lease as homesites, etc., under Small Tract Act:
Alaska 699, 777
Nevada 1141
New Mexico 1121
Survey, notice of filing of plats of; Alaska:
Copper River Meridian, Haines Cut-off Road 699
Seward Meridian 699
Territories, Office of, transfer to, of jurisdiction of interest in certain lands; Alaska, Cordova Water System, proposed 755
Timber, free use of, on public lands in Alaska 937

LAND MANAGEMENT BUREAU—Continued Page

Townsites, notice of sale of lots:
Alaska, Seward Townsite 1092
Washington, Wallula 1140
Withdrawal of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
Alaska:
Air Force Department, military purposes:
Fairbanks, Meridian, lands near (PLO 882) 776, 779
Kotzebue Sound, lands near (PLO 883) 827, 834
Army Department, military reservation, lands withdrawn for by prior order (EO 8102); notice of filing of plat of survey 699
Biological Survey, Bureau of (Agriculture Department), lands withdrawn for use in connection with reindeer experiment station by prior orders (EO 4719, 5352); revocation as to described lands near Fairbanks Meridian (PLO 882) 776
Nevada, air-navigation site withdrawals reduced:
No. 3 1141
No 10 1141
No. 22 1141
No. 45 1141
No. 103 1141
New Mexico, air-navigation site withdrawal No. 125, reduced 1121
Washington:
Army Department, military purposes, lands withdrawn for by prior orders (PLO 165, 191, 261):
Jurisdiction, deletion of provision respecting expiration of (PLO 881) 753
Transfer of jurisdiction to Atomic Energy Commission (PLO 881) 753
Atomic Energy Commission, lands reserved for use in connection with atomic energy program (PLO 881) 753
Reclamation purposes; prior order (PLO 261) reserving lands for use of Army Department revoked respecting described lands near Willamette Meridian (PLO 81) 753

M

MARITIME ADMINISTRATION:
Charter of vessels, applications for:
Bareboat chartering of government-owned, war-built, dry-cargo vessels. *See main heading* Maritime Board, Federal.
In coastwise or intercoastal service; applications of various companies to own, operate, or charter vessels, notices respecting:
American President Lines, Ltd 911
Pacific Far East Line, Inc 911
Operating-differential subsidies. *See* Subsidized vessels and operators.
Subsidies, operating-differential. *See* Subsidized vessels and operators.
Subsidized vessels and operators, regulations affecting:
Information and procedure required under operating-differential subsidy agreements. *See* Operating-differential subsidy agreements.
Operating-differential subsidy agreements, information and procedure under:
Definitions; added 909
Interpretation; added 910
Period of idleness and lay-up period:
Method of commencing and terminating voyages and of determining lay-up periods; added 909
Method of terminating voyages and determining lay-up period; recission 909
Right of Administrator to recover subsidy for any period of idleness; added 910
Treatment of subsidy during period of idleness and lay-up period; added 910
Waiver or modification of provisions as to lay-up period; recission 909

MARITIME BOARD, FEDERAL:
Agreements:
Operating-differential subsidy agreements, information and procedure required under. *See main heading* Maritime Administration.

MARITIME BOARD, FEDERAL—Continued Page

Agreements—Continued
Transportation agreements. *See* Transportation agreements.
Bloomfield Steamship Co., Inc. and Dixie Carriers, Inc.; prehearing conference, notice 1013
Charter of vessels; bareboat chartering of war-built vessels, applications for. *See* Merchant Ship Sales Act of 1946.
Dixie Carriers, Inc. and Bloomfield Steamship Co., Inc.; prehearing conference, notice 1013
Merchant Ship Sales Act of 1946; bareboat chartering of war-built, dry-cargo vessels, application of Coastwise Line for, notice of postponement of hearing respecting 736
Operating-differential subsidy agreements, information and procedure required under. *See main heading* Maritime Administration.
Subsidies, operating-differential, agreements; information and procedure required under. *See main heading* Maritime Administration.
Subsidized vessels and operators; regulations affecting. *See main heading* Maritime Administration.
Transportation agreements; approval, hearings, etc.:
Aztec Line (agreement No. 7883) 860
Bull Insular Line, Inc.:
Agreement No. 7887 860
Agreement No. 7888 860
Ceylon/U. S. A. Conference, member lines (agreement No. 8050–1) 754
Compagnie General Transatlantique (agreement No. 7887) 860
Lykes Bros. Steamship Co., Inc. (agreement No. 7886) 860
N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland America Line" (agreement No. 7888) 860
Th. Brovig, "Mexican Line" (agreement No. 7886) 860
Waterman Steamship Corp. (agreement No. 7883) 860
West Coast of India, and Pakistan/U. S. A. Conference, member lines (agreement No. 8040–1) 754
War-built vessels, dry-cargo; chartering of. *See* Merchant Ship Sales Act of 1946.
MARITIME CARRIERS. *See* Vessels.
MIGRATORY BIRDS:
Finns Point Range Rear Light Station, Salem County, New Jersey, transfer of to Secretary of Interior for migratory bird conservation, pursuant to act of May 19, 1948 943
Hunting and possession. *See* Fish and Wildlife Service.
MINERALS AND METALS:
Allocation of. *See* Defense Minerals Procurement Agency.
Oil and gas deposits, leases, etc. *See* Petroleum and petroleum products.
Price control regulations for certain metals. *See* Price Stabilization, Office of.
Purchase for Government use and resale. *See* General Services Administration.
Reserved minerals, disposal of; sale of interest in mineral lands. *See* Agriculture Department.
MINES BUREAU:
Authority, delegation of, by Director to Chief, Administrative Division, to lease space in buildings for purposes of Mines Bureau 990
Explosives and related articles; tests for permissibility and suitability:
Blasting devices (Schedule 26), for use in coal mines 1004
Explosives (including sheathed explosives):
Deletion of references to blasting devices 1003
Redesignation 1003

N

NATIONAL PRODUCTION AUTHORITY:
Canada, petroleum and gas industries in. *See under* Priority orders.
Controlled Materials Plan. *See* Priorities system operation.

NATIONAL PRODUCTION AUTHORITY—Continued — Page

Hearings, of cases involving non-compliance with orders and regulations; suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
- Acme Packing Co — 737
- First Call Dog Food Co — 737
- Mardigian Corp — 736

Inventory control limitations on materials that can be ordered, received or delivered; chemicals, forest products, iron and steel, metals and minerals, rubber materials, textile materials, etc. (Regulation 1):
- Practicable minimum working inventory limitation, materials subject to (Table IA):
  - Chemicals; selenium dioxide, in lieu of selenium compounds — 1139
  - Containers and packaging materials, deletion — 846
  - Metals and minerals:
    - Scrap; exceptions, tin scrap, addition — 846
    - Tin items; deletion — 846
- Special inventory restrictions, materials subject to (Table II):
  - Aluminum scrap, deletion — 1139
  - Cans, under M–25; deletion — 846
  - Pig tin and lead-base alloys and other materials and alloys containing 1.5 percent or more of tin, under M–8; deletion — 846
  - Selenium, deletion — 1139
- Specific calendar day or practical minimum working inventory, whichever is less, materials subject to (Table IB):
  - Electric light bulbs and tubes, components and parts for, deletion — 846
  - Selenium, selenium alloys and selenium dioxide, addition — 1139

Priorities system operation; regulations:
- *See also* Priority orders.
- Basic rules respecting DO and DX ratings (Regulation 2); restrictions upon use of ratings (Direction 3) — 1139
- Items covered (Appendix A); selenium and selenium alloys, addition — 1139

Controlled Materials Plan:
- Basic rules, authorization of production schedules for manufacturing operations, and procurement of materials (CMP 1):
  - Carbon conversion steel, ex-allotment acquisition and use of (Direction 19) — 875
  - Controlled materials sold after commencement of lead time, ex-allotment acquisition and use of (Direction 20) — 955
- Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign or used steel (CMP Regulation 6):
  - Carbon conversion steel, ex-allotment acquisition and use of (Direction 7) — 877
  - Controlled materials sold after commencement of lead time, ex-allotment acquisition and use of (Direction 10) — 956

Priority orders:
- Brass mill products; distribution to distributors (M–82) — 935
- Cans, tin plate, terneplate, and black plate:
  - *See also* Containers and closures.
  - Restrictions upon acceptance, delivery and uses of cans, and specifications for listed products (M–25); revocation — 799
- Chemicals:
  - Allocation of chemicals and allied products (M–45), Appendix A materials; thiokol (Schedule 10), revocation — 799
  - Limitation for DO-rated orders (M–32); revocation — 1112
- Closures. *See* Containers and closures.
- Containers and closures:
  - *See also* Cans.
  - Packaging closures, made of tin plate, etc., restrictions upon sale, delivery and use (M–26); revocation — 799
  - Tubes, collapsible, restrictions on use of tin (M–27); revocation — 799
- Electrical utilities, procurement and use of materials by (M–50); use of program identification E–5 (Direction 4) — 799

NATIONAL PRODUCTION AUTHORITY—Continued — Page

Priority orders—Continued
- Metalworking machines, delivery of (M–41) — 1167
- Petroleum and gas industries:
  - Foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A); carbon conversion steel, rules for acquiring (Direction 3) — 1056
  - United States and Canada, petroleum operations in; priorities assistance for obtaining MRO material for maintenance and repair purposes, as operating supplies, or laboratory equipment (M–46):
    - Delivery orders, filing of — 1055
    - Delivery orders to be filed, dollar amounts of (Schedule E) — 1055
    - Steel, carbon conversion; rules for acquiring (Direction 5) — 1055
- Selenium, conservation and distribution, and prohibitions for delivery and use (M–91); revocation — 1139
- Thiokol. *See* Chemicals.
- Tin:
  - *See also* Tin plate and terneplate.
  - Collapsible tubes made in whole or in part of tin. *See* Containers and closures.
  - Use in civilian economy (M–8); revocation — 798
- Tin plate and terneplate:
  - Permitted uses (M–24); revocation — 798
  - Use in cans. *See* Cans.
  - Use in packaging closures. *See* Containers and closures.
- Tubes, collapsible. *See* Containers and closures.

Scarce materials, designation of chemicals, forest products, iron and steel, metals and minerals, rubber materials, textile materials, etc., as, and withdrawal of certain previous designations (DSM 1) — 981

Suspension orders, issuance of, to various firms, after hearings on noncompliance with regulations and orders. *See* Hearings.

NAVIGATION LAWS AND REGULATIONS:
- Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
- Waterways. *See* Coast Guard; *and* Engineers, Corps of.

NAVY DEPARTMENT:
- Aircraft danger zones over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
- Hawaii, Kahoolawe Island; reservation for naval purposes, with provisions respecting soil conservation and eradication of cloven-hooved animals (Executive Order 10436) — 1051
- Midshipmen, admission of candidates into Naval Academy as; revision — 1057
- Naval Academy, admission of candidates into as midshipmen; revision — 1057
- Procurement regulations, joint regulations of armed forces. *See main heading* Defense Department.
- Reserves, Naval Reserve Officers' Training Corps:
  - Medical examination, annual, during period January-April — 953
  - Training; marking, student records, and class standing:
    - Class standing at end of each year, calculation of — 953
    - Class standing of each student commissioned — 953
    - Cruise, participation in; aptitude mark — 953
    - Final class standing of student under NROTC training for less than four years — 953

O

OIL AND GAS. *See* Petroleum and petroleum products.

P

PATENT OFFICE:
- Foreign countries, licenses to file applications in. *See* Secrecy of certain inventions and licenses to file applications in foreign countries.

PATENT OFFICE—Continued — Page

Secrecy of certain inventions and licenses to file applications in foreign countries:
Licenses for foreign filing ... 1012
Secrecy orders on applications relating to national security ... 1012

PAY, COMPENSATION, ETC.:
Civil service pay regulations. *See* Civil Service Commission.
Foreign duty of Federal personnel, compensation for designated areas. *See* State Department.
Prohibition against receiving compensation, gifts etc., by officers and employees of Farm Credit Administration, from certain persons ... 975
Salary and wage controls. *See* Economic Stabilization Agency; Railroad and Airline Wage Board; Salary Stabilization Board; *and* Wage Stabilization Board.
Vocational rehabilitation and education of veterans; allowances in connection with. *See* Veterans' Administration.

PETROLEUM ADMINISTRATION FOR DEFENSE:
Limitation on use of natural gas (PAD 2); termination ... 891
Natural gas, restriction on use (PAD 2); termination ... 891

PETROLEUM AND PETROLEUM PRODUCTS:
Natural gas, limitation on use. *See* Petroleum Administration for Defense.
Oil and gas lease applications for certain forest lands in California and New Mexico, rejection of ... 700, 702
Public lands; oil and gas leases, deposits, etc. *See* Land Management Bureau.

POST OFFICE DEPARTMENT:
Department and Postal Service; establishment of organization of Department, official postal maps, prices ... 909
Domestic mail matter:
Classification and rates of postage, fourth-class matter, parcel post; rates of postage:
Air parcel post ... 909
Surcharge rate on certain fourth-class mail by zones, rescission ... 1172
Several classes of mail matter, provisions applicable to; matter liable to damage mails or injure person:
Bees ... 1042
Nonmailable articles and compositions; deletion of certain items from list ... 1042
International postal service, postage rates, service available and instructions for mailing:
Regular (Postal Union) mails; postage rates, limits of weight and dimensions, footnote ... 983
Various countries, conditions applicable to service in:
Finland, parcel post, observations; gift parcels, duty-free, etc ... 1042
Indonesia; parcel post:
Air parcel rates, etc ... 1042
Observations:
Addressees required to obtain import licenses for certain parcels ... 1042
Marking of gift parcels ... 1042
Regular mails; observations, gift shipments ... 1042
Japan; parcel post, gift parcels, articles exempt from duty up to $10.00 in value ... 909
Norway (including Spitzbergen), parcel post, observations; packages not called for within 6 days, deletion ... 983
Rumania; parcel post:
Observations:
Collection of fee for submission of parcel to customer, redesignation ... 1043
Procedure for mailing medicine, deletion ... 1043
Restrictions respecting gift parcels ... 1042
Used clothing parcels, certificate of disinfection, redesignation ... 1043
Prohibitions, respecting special restrictions on gift parcels ... 1043

PRESIDENTIAL DOCUMENTS:
Amortization of emergency facilities; certifying authority of Director of Defense Mobilization for purposes of section 124A (e) of Internal Revenue Code (EO 10433) ... 761

PRESIDENTIAL DOCUMENTS—Continued — Page

Certificates, necessity; amortization of emergency facilities under section 124A (e) of Internal Revenue Code, certifying authority of Director of Defense Mobilization (EO 10433) ... 761
Child Health Day, 1953 (Proc. 3005) ... 1103
Civil service; transfer of personnel from Defense Production Administration to Office of Defense Mobilization (EO 10433) ... 761
Committees, boards, etc.:
Continuance (under jurisdiction of Director of Defense Mobilization) of boards, committees, etc., established under Executive Order 10200 (EO 10433) ... 761
Senate Committee on Government Operations, inspection of tax returns by (EO 10435) ... 809
Court, United States District, Puerto Rico; designation of Honorable Benjamin Ortiz as Acting Judge (EO 10437) ... 1051
Days of observance:
Child Health Day, 1953 (Proc. 3005) ... 1103
Red Cross Month, 1953 (Proc. 3006) ... 1127
Defense Mobilization, Office of:
Amortization of emergency facilities; certifying authority of Director of Defense Mobilization for purposes of section 124A (e) of Internal Revenue Code (EO 10433) ... 761
Continuance (under jurisdiction of Director of Defense Mobilization) of boards, committees, other subordinate agencies, and positions established under Executive Order 10200 (EO 10433) ... 761
Economic Stabilization Agency; Director of Defense Mobilization to be Administrator (EO 10433) ... 761
Functions of former Defense Production Administration under prior Executive orders to be exercised by Office and Director of Defense Mobilization (EO 10433) ... 761
Transfer of records, property, personnel and funds from Defense Production Administration (EO 10433) ... 761
Defense Production Act, administration of:
Defense Mobilization, Office of; additional functions (EO 10433) ... 761
Wage and salary controls, suspension of (EO 10434) ... 809
Defense Production Administration:
Functions under prior Executive orders to be exercised by Office and Director of Defense Mobilization (EO 10433) ... 761
Transfer of records, property, personnel and funds to Office of Defense Mobilization (EO 10433) ... 761
Economic Stabilization Agency:
Director of Defense Mobilization to be Administrator (EO 10433) ... 761
Wage and salary controls, suspension of (EO 10434) ... 809
Government Operations, Senate Committee on, inspection of tax returns by (EO 10435) ... 809
Hawaii, Kahoolawe Island; reservation for naval purposes, with provisions respecting soil conservation and eradication of cloven-hooved animals (EO 10436) ... 1051
Internal Revenue Bureau; inspection of tax returns by Senate Committee on Government Operations (EO 10435) ... 809
Navy Department; reservation of Kahoolawe Island, Hawaii, for naval purposes, with provisions respecting soil conservation and eradication of cloven-hooved animals (EO 10436) ... 1051
Puerto Rico, District Court of United States for; designation of Honorable Benjamin Ortiz as Acting Judge (EO 10437) ... 1051
Records; transfer of records from Defense Production Administration to Office of Defense Mobilization (EO 10433) ... 761
Red Cross Month, 1953 (Proc. 3006) ... 1127
Salary controls. *See* Wage and salary controls.
Senate Committee on Government Operations, inspection of tax returns by (EO 10435) ... 809
Tax returns, inspection of, by Senate Committee on Government Operations (EO 10435) ... 809
Territories and possessions; Puerto Rico, designation of Honorable Benjamin Ortiz as Acting Judge of District Court of United States for Puerto Rico (EO 10437) ... 1051

20000—53——4

PRESIDENTIAL DOCUMENTS—Continued Page

Wage and salary controls, under Defense Production Act of 1950:
Adjustments of wages, salaries and other compensation proposed in petitions pending before wage and salary control agencies to be placed in effect, provisions respecting approval of agreements (EO 10434) 809
Suspension of (EO 10434) 809

PRICE STABILIZATION, OFFICE OF:

Adjustments:
Ceiling price adjustment for commodities or services governed by specific regulations, *see specific commodities.*
Machinery and related manufactured goods and building materials, adjustment under industry earnings standard (GOR 42):
Commodities covered:
Asbestos paper, asbestos millboard and converted products 859
Boilers and radiation, cast-iron 696
Coal mining machinery, electrically operated underground 695
Lifts, automotive 724
Relationship of adjustment provisions to certain other adjustment regulations 695
Retailers; adjustments of GCPR, or CPR 7 ceiling prices (GOR 40), authority of District Directors. *See* Authority, delegations of.
State laws, adjustment of ceiling prices for materials to minimum prices fixed by (GOR 32); special order respecting certain sellers of cigarettes in Connecticut 720
Alaska. *See* Territories and possessions of United States.
Aluminum, primary and certain aluminum products; exemption (GOR 9) 1138
Animal hairs and fibers; exemption (GOR 4) 1006
Apparel, certain; exemption. *See* Consumer goods.
Asbestos paper, asbestos millboard and converted products; adjustments under industry earnings standard for building materials (GOR 42) 859
Asphalt and asphalt products. *See* Petroleum products.
Authority, delegations of, to various agencies or officials:
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations):
Region I Directors; beef, retail prices, under CPR 25 (Redeleg. 23) 993
Region II Directors:
Consumer goods, retail prices, under CPR 7 (Redeleg. 1) 1018
Food and restaurant commodities, certain; applications respecting, under CPR's 15 and 16 (Redeleg. 2) 914
Malt beverages, under CPR 117 (Redeleg. 24) 1018
Retailers, adjustments for, under GOR 40 (Redeleg. 55) 1018
Salmon, canned; ceiling prices, under CPR 65 (Redeleg. 56) 1019
Region III Directors:
Beef, retail prices, under CPR 25 (Redeleg 11) 993
Consumer goods, retail prices, under CPR 7 (Redeleg. 1) 1019
Food and restaurant commodities, certain; applications respecting, under CPR's 15 and 16 (Redeleg. 2) 994
Retailers, adjustments for, under GOR 40 (Redeleg. 55) 1019
Region V Directors:
Beef, retail prices, under CPR 25 (Redeleg. 25) 914
Consumer goods, retail prices, under CPR 7 (Redeleg. 22) 1019
Food and restaurant commodities, certain; applications respecting, under CPRs 15 and 16 (Redeleg. 55) 914
Malt beverages, under CPR 117 (Redeleg. 24) 1019
Retailers, adjustments for, under GOR 40 (Redeleg. 60) 1019
Region VI Directors:
Food and restaurant commodities, certain; applications respecting, under CPRs 15 and 16 (Redeleg. 1) 915

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of, to various agencies or officials—Continued
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region VI Directors—Continued
Retailers, adjustments for, under GOR 40 (Redeleg. 54) 994
Region VII Directors:
Beef, retail prices, under CPR 25 (Redeleg. 14) 915
Food and restaurant commodities, certain; applications respecting, under CPRs 15 and 16 (Redeleg. 3) 994
Region VIII Directors; food and restaurant commodities, certain, applications respecting, under CPRs 15 and 16 (Redeleg. 4) 915
Region IX Directors:
Automotive and farm tractor repair service flat rate manuals; adoption of, under CPR 34, SR 3 (Redeleg. 55) 916
Beef, retail prices, under CPR 25 (Redeleg. 21) 915
Consumer durable goods; applications for ceiling prices of new commodities by certain manufacturers, under CPR 161 (Redeleg. 45) 915
Manufacturers' prices, adjustments of; applications filed by certain manufacturers, under GOR 10 (Redeleg. 22) 915
New categories of commodities, new services, new sellers, and sellers unable to determine prices; applications and reports submitted by certain manufacturers, wholesalers, retailers, and suppliers of services, under GCPR (Redeleg. 48) 916
Region X Directors:
Consumer goods, retail prices, under CPR 7 (Redeleg. 1) 1019
Food and restaurant commodities, certain; applications respecting, under CPRs 15 and 16 (Redeleg. 2) 916
Retailers, adjustments for, under GOR 40 (Redeleg. 55) 994
Region XI Directors:
Beef, retail sales, under CPR 25 (Redeleg. 25) 916
Consumer goods, retail prices, under CPR 7 (Redeleg. 27) 1020
Food and restaurant commodities, certain; applications respecting, under CPRs 15 and 16 (Redeleg. 2) 994
Retailers, adjustments for, under GOR 40 (Redeleg. 61) 994
Region XIII Directors:
Consumer goods, retail prices, under CPR 7 (Redeleg. 1) 1020
Food and restaurant commodities, certain; applications respecting, under CPR's 15 and 16 (Redeleg. 2) 916
Retailers, adjustments for, under GOR 40 (Redeleg. 46) 1020
Directors, Regional (authority with respect to price action or price adjustment for specific commodities, under various price regulations):
All Directors:
Consumer goods, ceiling prices, under CPR 7 (Delegation of Authority 5) 706
Malt beverages, under CPR 117 (Delegation of Authority 52) 747
Redelegations of authority. *See* Directors, District.
Automobiles:
See also Motor vehicles.
Exemptions for sales of certain automobiles. *See* Industrial materials and manufactured goods.
New passenger automobiles, increase in manufacturers' prices (CPR 1); new products, automobiles and equipment, ceiling price to include tooling costs 1041
Automotive and farm equipment repair services. *See* Services.
Beef. *See* Livestock and meat.
Beryllium:
Beryllium copper master alloy, ceiling price for (GCPR, SR 133) 903, 1041
Pass-through for beryllium cost increases. *See* Metals.

PRICE STABILIZATION, OFFICE OF—Continued Page

Boilers and radiation, cast-iron; adjustment of ceiling prices under industry earnings standard for machinery and related manufactured goods (GOR 42) 696
Bolts, nuts, screws, or rivets:
Adjustments for certain producers (CPR 118, SR 1); eligibility for adjustment, period during which uniform price relationship must have been maintained 821
Exemption for sales of bolts, nuts, screws and rivets made from ferrous or non-ferrous metals (GOR 9) 1139
Brewers' dried products. *See* Feeds.
Brewers' wet grains; exemption. *See* Foods.
Building materials, certain:
Acoustical building materials products and accessories, nonmetallic; exemption (GOR 9) 1009
Adjustments for certain building materials and machinery. *See* Adjustments.
Masonry, roofing and insulation products, certain; exemption (GOR 9) 1009
Castings:
Ceiling prices for certain castings (CPR 60); supplementary regulations:
Iron castings, gray, adjustment for producers (SR 3); price increases under industry earnings standard adjustment, clarification 722
Iron castings, malleable, adjustment of manufacturers' prices (SR 1); price increases under industry earnings standard adjustment, clarification 721
Steel castings, carbon or low alloy and manganese, adjustment for producers (SR 2); price increases under industry earnings standard adjustment, clarification 722
Steel castings, high alloy, adjustment for producers (SR 4); price increases under industry earnings standard adjustment clarification 875
Exemptions. *See* Industrial materials and manufactured goods.
Cattle. *See* Livestock and meat.
Charcoal sold in Virgin Islands. *See* Territories and possessions of United States.
Chemical commodity transactions, certain exemptions (GOR 3); records required for commodities prior to exemption, provisions respecting 898
Chromium, pass through for cost increases. *See* Metals.
Cigar box shook produced from sitka spruce; exemption (GOR 34) 774
Cigarettes:
Adjustment of prices for sellers in various states to minimum fixed by state laws. *See* Adjustments.
Exemption. *See* Tobacco products.
Cleansers. *See* Soaps and cleansers.
Coal, coke, etc.:
Anthracite (Pennsylvania) delivered from mine or preparation plant (CPR 4); exemption (GOR 12) 1010
Briquets produced or made at plants in Pennsylvania anthracite field (SR 1), exemption (GOR 12) 1010
Bunker fuel, coal sold for direct use as (CPR 21); exemption (GOR 12) 1010
Coal (except Pennsylvania anthracite) delivered from mine or preparation plant (CPR 3); exemption (GOR 12) 1010
Briquets, bituminous, produced at plants in or near coal fields (SR 1) exemption (GOR 12) 1010
Coal briquets, petroleum coke briquets, and packaged fuel, produced at certain plants (GCPR, SR 78); exemption (GOR 12) 1010
Coke, coal chemicals and coke oven gas (GCPR, SR 13); exemption (GOR 12) 1010
Exemptions for certain fuel products (GOR 12) 901, 1010
Exporters of coal (GCPR, SR 8); exemption (GOR 12) 1010
Lake coal dock operators (CPR 27); exemption (GOR 12) 1010
Mining machinery, electrically operated underground; adjustment of ceiling prices under industry earnings standard for machinery and related manufactured goods (GOR 42) 695

PRICE STABILIZATION, OFFICE OF—Continued Page

Coal, coke, etc.—Continued
Retail dealers, sales of solid fuels by (GCPR, SR 2); exemption (GOR 12) 1010
Tidewater coal dock dealers (GCPR, SR 4); exemption (GOR 12) 1010
Cobalt; pass through for cost increases. *See* Metals.
Coke. *See* Coal, coke, etc.
Community pricing for certain food and dry grocery items. *See Foods.*
Confectionery and confectionery mixes; exemption (GOR 7) 1138
Construction:
Materials. *See* Building materials.
Services, certain; exemption (GOR 9) 901
Consumer goods, certain:
Exemptions and suspensions:
Durable goods; exemptions and suspensions (GOR 5):
Exemptions; records required for commodities prior to exemption, provisions respecting 823
Commodities listed in CPR 161, Appendix A, except for certain major appliances 1007
Furniture, all 823
Radio, televisions and phonograph parts 1007
Suspensions, previous, of consumer durable goods 823
Revocation of previous suspensions on radio, television and phonograph parts; revocation 1007
Soft goods; exemptions and suspensions (GOR 4):
Exemptions; records required for commodities prior to exemption, provisions respecting 822
Animal hairs and fibers 1006
Apparel, apparel furnishings and accessories, made of textile materials, leather, fur, plastic, etc.:
See also Articles covered by CPR 7.
Manufacturers' sales 822
Articles covered by CPR 7, Appendix B; wholesale and retail sales, except in United States territories and possessions 823
Apparel 823
Consumer durable goods; bedding, floor coverings, furniture, housewares, jewelry, lamps, luggage, sporting goods, musical instruments, notions, phonographs, radios, television, etc 823
Household textile commodities, drapery hardware, certain yard goods, knitting yarn and crochet thread, laces, trimmings and ribbons 823
Toys, games and Christmas decorations 823
Fibers:
Animal, vegetable, plant and protein fibers 1006
Hard and bast fibers and products containing 50 percent or more by weight or material cost of such fibers 822
Synthetic fibers 822
Plastic yard goods, printed, and commodities made from plastic sheeting or printed plastic yard goods 1006
Suspensions, previous, of consumer soft goods 822
Textiles:
Manufacturers' sales of miscellaneous textile products, listed 822
Waste, textile; raw and processed materials consisting of 50 percent or more by weight or material cost, of cotton, silk, synthetics, or combinations thereof 823
Suspensions:
Furs and fur products, certain; additions 771
Previously suspended sales of consumer soft goods. *See* Exemptions.
Manufacturers' prices; consumer durable goods regulation (CPR 161):
Authority of District Directors. *See* Authority, delegations of.
Commodities covered (Appendix A); exemption, except for certain major appliances (GOR 5) 1007
Retail ceiling prices (CPR 7):
Authority of Regional and District Directors. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Consumer goods, certain—Continued
Retail ceiling prices (CPR 7)—Continued
Commodities covered (Appendix B); exemption of sales at retail and wholesale, except in United States territories and possessions (GOR 4) — 823
Containers and closures:
Exemption of certain collapsible tubes, metal cap and crown closures, and glass containers. *See* Industrial materials and manufactured goods.
Milk bottle caps and closures, manufacturers' sales; exemption (GOR 8) — 845
Copper:
Beryllium copper master alloy. *See* Beryllium copper master alloy.
Exemption of primary copper and certain copper products; exemption (GOR 9) — 1138
Wire mill products, copper; manufacturers of (CPR 110):
Price books, additional price sheets for; listed (Appendix B) — 769
Reels, spools and other containers, ceiling charges for (Table A) — 769
Specified copper wire mill products, ceiling prices for; general provisions, respecting issuance of additional price sheets — 769
Cosmetics; exemption (GOR 3) — 1006
Coupons, premium plan; charges for cooperative redemption of, exemption (GOR 14) — 826
Crucibles, graphite, and related accessories; exemption (GOR 9) — 775
Dairy products, including fluid milk; exemption (GOR 7) — 1007
Decontrolled or exempted commodities and services. *See* Consumer goods; Foods; Industrial and manufactured goods; Services; *and specific commodities.*
Diaper supply services. *See* Services.
Distilled spirits. *See* Liquors, distilled spirits.
Dolomite and dead-burned dolomite; exemption (GOR 9) — 1009
Drug commodity transactions, certain, exemptions (GOR 3):
Cosmetics and drugs — 1006
Legume seed inoculants — 824
Records required for commodities prior to exemption, provisions respecting — 898
Dry cleaning services. *See under* Services.
Ducks, processed, ceiling prices except at retail (CPR 79); revocation (GOR 7) — 824
Eggs; exemption (GOR 7) — 899
Exempted or decontrolled commodities and services. *See* Consumer goods; Foods; Industrial and manufactured goods; Services; *and specific commodities.*
Farm equipment, certain; exemption (GOR 9) — 1008
Fats and oils (CPR 6); revocation (GOR 7) — 899
Feeds; brewers' dried products (CPR 185) — 684
Fibers, certain; exemption. *See* Consumer goods.
Field office locations. *See* Organization and functions.
Fireclay; exemption (GOR 9) — 1009
Fish and seafood:
Exemptions. *See* Foods.
Herring, salt flat lake (CPR 109); revocation (GOR 7) — 824
Salmon, canned, canners' prices for (CPR 65); revocation (GOR 7) — 824
Sardines, Maine, canned, (CPR 85); revocation (GOR 7) — 824
Foods:
See also specific commodities.
Community pricing, for dry groceries sold at retail (GOR 24):
Pricing orders for sales within various regions:
Region III — 866, 885
Region IV — 706, 866, 885
Region V — 706, 866, 885
Region VI — 866, 1145
Region VII — 706, 1145
Region VIII — 706, 885, 1146
Region IX — 706
Region X — 706
Region XI — 706, 885

PRICE STABILIZATION, OFFICE OF—Continued — Page

Foods—Continued
Community pricing, for dry groceries sold at retail (GOR 24)—Continued
Pricing orders for sales within various regions—Continued
Region XII — 706, 885
Region XIII — 706, 885
Revocation (GOR 7) — 1138
Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods); sales at retail and wholesale (CPR 14, 15, 16):
Authority of District Directors. *See* Authority, delegations of.
Exemption for all sales, except coffee and coffee concentrates (GOR 7) — 1138
Wholesale (CPR 14); table and commodity definitions:
Commodity definitions, etc.; corn meal and hominy, and flour mixes — 718
Markup figures (Table A); class 4 (institutional) wholesalers — 718
Exemption and suspension of certain food and restaurant commodities (GOR 7):
Exemptions:
Brewers' wet grains — 693
Cigars — 824
See also Tobacco products.
Cleansers, soaps and synthetic detergents — 899
Confectionery — 1138
Dairy products, including fluid milk — 1007
Distilled spirits and wines imported and domestic, in bulk, by the drink, or packaged — 824
Ducks, processed — 824
Fats and oils — 899
Fish; edible fish, except processed codfish sold outside continental United States — 824
Groceries, dry, except coffee and coffee concentrates — 1138
Margarine — 1007
Meat and related products; livestock and meat in continental United States, including products containing 25 percent or more meat by weight — 824
Milk. *See* Dairy products.
Poultry, game and eggs — 899
Soft drinks, sold in bottles or other containers, except fresh milk drinks, coffee, tea, chocolate, or bottled water — 824
Tobacco products, all — 1138
Records — 824
Revocations; exemptions for sales covered by listed regulations — 824, 899, 1007, 1138
Scope — 823
Suspensions:
Revocation — 824
Soft drinks, bottled; machine-dispensed drinks similar to soft drinks in bottles or other containers — 772
Puerto Rico, food products sold in (CPR 51); beef, ceiling prices for — 684
Forgings, exemption. *See* Industrial materials and manufactured goods.
Frozen food locker plants, processing services of. *See* Services.
Fuel:
Charcoal sold in Virgin Islands. *See* Territories and possessions.
Oils. *See* Petroleum products.
Solid. *See* Coal, coke, etc.
Fuller's earth; exemption (GOR 9) — 775
Furnaces. *See* Industrial materials and manufactured goods.
Furniture, exemptions. *See* Consumer goods.
Furs and fur products, certain; suspension (GOR 4) — 771
Games and toys, exemption. *See* Consumer goods.
General Ceiling Price Regulation:
Determination of ceiling prices for new categories of commodities, new services, new sellers, and sellers unable to determine prices; applications and reports submitted by certain manufacturers, wholesalers, retailers and suppliers of services, authority of District Directors respecting. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued Page
General Ceiling Price Regulation—Continued
Supersedure of GCPR as to certain commodities or services, etc., by specific regulations, *see specific commodities and services.*
Supplementary regulations:
Beef, processed (cured, smoked, dried, barbecued, etc.), adjustment of ceiling prices (SR 61); revocation (GOR 7) 824
Beryllium copper master alloy, ceiling price of (SR 133) 903, 1041
Coal, coke, etc.:
Briquets, petroleum coke briquets, and packaged fuel, produced at certain plants; increases in ceiling prices (SR 78); exemption (GOR 12) 1010
Coke, coal chemicals and coke oven gas (SR 13); exemption (GOR 12) 1010
Exporters for coal (SR 8); exemption (GOR 12) 1010
Retail dealers, sales of solid fuels for (SR 2); exemption (GOR 12) 1010
Tidewater coal dock dealers (SR 4); exemption (GOR 12) 1010
Drinks, soft, bottled (SR 43); exemption (GOR 7) 824
Iron and steel products, adjustments for (SR 100); rounding adjusted ceiling prices 875
Lamb, mutton and veal:
Lamb or mutton, adjustment of ceiling prices for sales by wholesalers (SR 54); revocation (GOR 7) 824
Retail sales of veal, lamb and mutton products, adjustment of ceiling prices (SR 79); revocation (GOR 7) 824
Milk, fluid, cream and milk products; area milk price adjustments (SR 63):
Revocation (GOR 7) 1007
Washington; central western Washington milk marketing area (AMPR 7) 771
Mutton. *See* Lamb, mutton and veal.
Nickel products, primary, and rolling mill foundry and similar products containing more than 5 percent nickel (SR 33); primary nickel products, adjustments of ceiling prices 934
Pork:
Loins, weighing 16 pounds or less; adjustment of ceiling prices (SR 47), revocation (GOR 7) 824
Retail sales of pork products, adjustment of ceiling prices (SR 65), revocation (GOR 7) 824
Sausage, fresh and semi-dry, made in whole or in part from beef, adjustment of ceiling prices (SR 34); revocation (GOR 7) 824
Veal. *See* Lamb, mutton and veal.
Glass products, certain; exemption (GOR 9) 1009
Graphite crucibles. *See* Crucibles.
Groceries. *See* Foods.
Herring. *See* Fish and seafood.
Horsemeat products. *See* Livestock and meat.
Hotels, telephone charges by; exemption (GOR 14) 768
Imported commodities:
See also specific commodities.
Imports (CPR 31); steel, imported (SR 2), correction 752
Services, certain, respecting imported cargoes of commodities; exemption. *See* Services.
Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9):
Exemptions:
Acoustical building material products and accessories, nonmetallic 1009
Aluminum, primary, and certain aluminum products 1138
Automobiles, passenger, certain:
Custom built, special 773
Foreign made, used automobiles 774
Modified used automobiles, other than taxicabs 774
Bolts, nuts, screws and rivets made from ferrous or nonferrous metals 1139
Castings, certain 900
Construction services, certain 901
Containers and closures, certain; glass containers, metal cap and crown closures, and collapsible tubes 901

PRICE STABILIZATION, OFFICE OF—Continued Page
Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9)—Continued
Exemptions—Continued
Copper, primary, and certain copper products 1138
Farm equipment, certain 1008
Fireclay, dolomite, magnesite, and dead-burned magnesite and dolomite 1009
Forgings, certain 900
Fuller's earth 775
Furnaces and ovens, certain, industrial and laboratory 1009
Glass products, certain 1009
Graphite crucibles and related crucible accessories 775
Iron ore 901
Machinery and equipment, certain:
Rental of 901
Sale of 1008
Masonry, roofing and insulation products, certain 1009
Mechanical precision springs, metal stampings and screw machine products 1138
Metals, nonferrous and non-metallic minerals, certain; and metal scrap and secondary nonferrous metals 900, 901
Mica, wet ground 772
Paints, varnishes, and lacquers, certain 901
Prefabricated structures, certain 901
Refractory products 1009
Steel wool, industrial 770
Suspensions, previous 901
Tacks, cut, and small cut nails 720
Vehicles, certain; trailer coaches, ambulances, hearses, flower cars, motorcycles, motor scooters and motorized fire equipment 1009
See also Automobiles.
Window glass, certain 901
Scope 1007
Suspensions:
Automobiles, used passenger, prior to 1946 models 773
Revocation 901
Iron and steel:
Castings. *See* Castings.
Fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection (CPR 156):
General pricing provisions, pricing instructions respecting use of material obtained from producer's own facilities; material includes mill products and standardized products, clarification 1054
Products covered (Appendix A):
Definitions; clarification 1054
Structural steel, light, ornamental and other metal work 1054
Imported steel. *See* Imported commodities.
Iron ore, exemption (GOR 9) 901
Products of iron and steel, adjustments for (GCPR, SR 100); rounding adjusted ceiling prices 875
Steel wool, industrial; exemption (GOR 9) 770
Lamb. *See* Livestock and meat.
Laundry services. *See* Services.
Legume seed inoculants; exemption (GOR 3) 824
Lifts, automotive; adjustment of ceiling prices under industry earnings standard for machinery and related manufactured goods (GOR 42) 724
Linen supply services, certain. *See* Services.
Liquors, distilled spirits, malt beverages, wines, etc.:
Basic alcoholic beverage regulation (CPR 78); revocation (GOR 7) 824
Malt beverages (CPR 117); adjustment of brewers' and wholesalers' ceiling prices 723
Authority of Regional Directors. *See* Authority, delegations of.
Livestock and meat:
Beef:
Ceiling prices for sales in Puerto Rico. *See* Foods.
Processed beef (cured, smoked, dried, barbecued, etc.), adjustment of ceiling prices (GCPR, SR 61); revocation (GOR 7) 824

PRICE STABILIZATION, OFFICE OF—Continued — Page

Livestock and meat—Continued
Beef—Continued
Retail:
Beef items sold at (CPR 25):
Authority of District Directors. *See* Authority, delegations of.
Revocation (GOR 7) — 824
Kosher beef sold at retail (CPR 26); revocation (GOR 7) — 824
Wholesale, beef sold at (CPR 24); revocation (GOR 7) — 824
Canned meat, sterile, and dry sausage, new method for determining materials cost adjustment for manufacturers (CPR 22, SR 15); revocation (GOR 7) — 824
Cattle, live (CPR 23); revocation (GOR 7) — 824
Distribution:
Allocation of beef to the military (DR 3); revocation (GOR 7) — 824
Allocation records (DR 2); revocation (GOR 7) — 824
Fair distribution of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs, or swine is permissible (DR 1); revocation (GOR 7) — 824
Procedures in meat distribution cases (DPR 1); revocation — 824
Horsemeat products, fresh, frozen, cured, and canned, ceiling prices at wholesale or retail (CPR 129); revocation (GOR 7) — 824
Lamb, mutton, veal, and yearling:
Lamb or mutton, adjustment of ceiling prices for sales by wholesalers (GCPR, SR 54); revocation (GOR 7) — 824
Retail sales of veal, lamb and mutton products, adjustment of ceiling prices (GCPR, SR 79); revocation (GOR 7) — 824
Veal sold at wholesale (CPR 101); revocation (GOR 7) — 824
Wholesale ceiling prices for lamb, yearling and mutton products (CPR 92); revocation (GOR 7) — 824
Mutton. *See* Lamb, mutton, veal, and yearling.
Pork:
Loins, weighing 16 pounds or less; adjustment of ceiling prices (GCPR, SR 47); revocation (GOR 7) — 824
Retail sales of pork products, adjustment of ceiling prices for (GCPR, SR 65), revocation (GOR 7) — 824
Wholesale, pork sold at (CPR 74); revocation (GOR 7) — 824
Sausage, fresh and semi-dry, made in whole or in part from beef, adjustment of ceiling prices (GCPR, SR 34), revocation (GOR 7) — 824
Veal. *See* Lamb, mutton, veal, and yearling.
Yearling. *See* Lamb, mutton, veal, and yearling.
Machines and machinery, etc.:
Adjustments for machinery and related manufactured goods. *See* Adjustments.
Exemptions respecting certain machinery and equipment (GOR 9):
Rentals — 901
Sales — 1008
Manufacturers' prices for machinery and related manufactured goods (CPR 30); supplementary regulations:
Adjustments under section 402 (d) (4) of Defense Production Act of 1950 (SR 4):
Application for overhead cost adjustment factor; extension of effective date respecting certain commodities and services — 683
Applications on an autonomous business unit — 720
Pricing formulas, adjustment under section 402 (d) (4) of Defense Production Act of 1950 (SR 8); relationship to SR 4, extension of effective date for adjustments — 683
Magnesite and dead-burned magnesite; exemption (GOR 9) — 1009
Malt beverages. *See* Liquors, distilled spirits.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Manufacturers' prices:
See also specific commodities.
Adjustments of ceiling prices for manufacturers (GOR 10); authority of District Directors. *See* Authority, delegations of.
Manufacturers' general ceiling price regulation (CPR 22); supplementary regulations:
Cast-iron boilers and cast-iron radiation, adjustments for manufacturers' sales (SR 19); revocation — 682
Meat, sterile canned, and dry sausage, new method for determining materials cost adjustment (SR 15); revocation (GOR 7) — 824
Paints, varnishes and lacquers, ceiling prices for manufacturers' sales (SR 6); mandatory effective date, postponement of — 682
Margarine; exemption (GOR 7) — 1007
Meat. *See* Livestock and meat.
Mechanical precision springs, metal stampings and screw machine products; exemption (GOR 9) — 1138
Metals:
See also specific metals.
Exemption of certain non-ferrous metals, nonmetallic minerals, scrap, etc. *See* Industrial materials and manufactured goods.
Pass-through for beryllium, chromium, cobalt and nickel cost increases (GOR 43) — 1161
Pass-through for steel, pig iron, copper and aluminum cost increases, adjustment of ceiling prices by manufacturers and primary processors (GOR 35); commodities not covered (Appendix C):
Automotive lifts; addition — 724
Boilers and radiation, cast-iron; addition — 694
Coal mining machinery, electrically operated, underground; addition — 694
Mica; sales of wet ground mica, exemption (GOR 9) — 772
Milk, fluid, cream and milk products; area milk price adjustments (GCPR, SR 63):
Revocation (GOR 7) — 1007
Washington; central western Washington milk marketing area (AMPR 7) — 771
Motor vehicles:
Automobiles. *See* Automobiles.
Exemption of ambulances, hearses, flower cars, motorcycles, motor scooters and motorized fire equipment (GOR 9) — 1009
Mutton. *See* Livestock and meat.
Nails, small cut; exemption of (GOR 9) — 720
Needlework industry in Puerto Rico. *See* Territories and possessions of U. S.
Nickel:
Adjustments in ceiling prices for nickel and nickel products, certain (GCPR, SR 33); primary nickel products — 934
Pass-through for nickel cost increases. *See* Metals.
Nuts, bolts, etc. *See* Bolts.
Organization and functions; field office locations, deletion of certain branch offices — 747
Ovens. *See* Industrial materials and manufactured goods.
Paints, varnishes and lacquers, certain:
Exemption (GOR 9) — 901
Manufacturers' sales (CPR 22, SR 6); mandatory effective date, postponement of — 682
Paper, paperboard, etc.:
Exemption for certain products and services (GOR 8):
Definitions; deletion — 899
Scope; sales of commodities and services exempted from price control, general decontrol of pulp, paper and paperboard commodities and services — 899
Milk bottle caps and closures, manufacturers' sales — 845
Pulpwood sales made to parent company by its wholly owned pulpwood procurement subsidiary — 824

PRICE STABILIZATION, OFFICE OF—Continued Page

Paper, paperboard, etc.—Continued
Puerto Rico, certain paper and paperboard products sold in, ceiling prices for (CPR 143); revocation (GOR 23) 1041
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, napthas, solvents, etc.):
Asphalt and asphalt products (CPR 66); exemption of sales (GOR 12) 902, 935
Crude petroleum (CPR 32):
Adjustment of certain ceiling prices (SR 2), special orders:
Louisiana:
Acadia Parish; South Lewisburg Field 748
Certain fields in 913
De Soto Parish; Logansport Field (Pettit and Travis Peak formations) 914
Texas, Brooks County; Rachal Field 913
Wyoming, certain fields in 837
Exemption for all sales (GOR 12) 902, 935
Exemption of certain fuel products (GOR 12) 901
Territories and possessions also covered respecting exemption for petroleum products, except for sales in Puerto Rico under CPRs 13 and 17 935
Lubricating oils, greases, waxes and certain other petroleum products (CPR 63); exemption of all sales (GOR 12) 902, 935
Retail sales of petroleum (CPR 13); exemption of sales, except for number 2 heating oil (GOR 12) 902, 935
Sales other than retail (CPR 17):
Area adjustments of tank wagon ceiling prices for fuel oil distributors, special orders:
Oregon; Josephine County marketing area 747
Washington:
Bellingham marketing area 866
Spokane marketing area 866
Walla Walla marketing area 748
Yakima marketing area 748
Exemption of all sales except number 2 heating oil (GOR 12) 902, 935
Virgin Islands, petroleum products sold in (CPR 50); revocation (GOR 23) 1041
Plastic yard goods, certain, and commodities made from. *See* Consumer goods.
Poultry; exemption (GOR 7) 899
Prefabricated structures, certain, exemption (GOR 9) 901
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Paper, paperboard, etc.
Rail, relaying, and used track accessories; ceiling prices for all sales and deliveries (CPR 186) 688
Effective date, postponed 934
Refractory products; exemption (GOR 9) 1009
Restaurants:
Eating and drinking establishments; ceiling prices (CPR 134); revocation (GOR 7) 824
Exemption of certain food and restaurant commodities. *See* Foods.
Increase in prices to reflect increases in cost of food (CPR 11); revocation (GOR 7) 824
Territorial restaurants and eating and drinking establishments (CPR 120); revocation, except in Puerto Rico (GOR 23) 1041
Rivets, bolts, etc. *See* Bolts.
Rubber commodity transactions, certain, exemptions (GOR 3):
Materials, services and commodities, rubber; listed 898
Records required for commodities prior to exemption, provisions respecting 898
Salmon. *See* Fish and seafood.
Sardines. *See* Fish and seafood.
Sausage. *See* Livestock and meat.
Screw machine products. *See* Mechanical precision springs, metal stampings and screw machine products.
Screws, bolts, etc. *See* Bolts.
Services:
Services in connection with specific commodities, see specific commodities.

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
Excepted and suspended services; rates, fees and changes for supply of certain services, and services which fall within the scope of certain occupations (GOR 14):
Excepted services:
All other services except laundry, linen, diaper supply and dry cleaning; services to purchasers, commercial, industrial or governmental, used directly in processing or manufacturing of commodities under ceiling price regulation, brokerage fees and agency commissions charged for commodity or service sales which are under ceiling price regulation 1010
Coupons, premium plan; charges for cooperative redemption of 826
Imported cargoes of commodities; various services (weighing, coopering, etc.) respecting, prior to domestic processing or fabrication 826
Suspensions, previous, of various services 1010
Telephone charges by hotels 768
Towing services performed by tug and barge operators within single harbor area or between adjoining harbor areas 825
Transportation services including rentals of cars and other transportation equipment 1010
Warehousing, dock and terminal services 1010
Records required for services prior to exemption, provisions respecting 1010
Suppliers of services, in trade, commerce and industry (CPR 34):
Special orders for various firms:
Crown Zellerbach Corp 788, 789, 1021
Frigidaire refrigerators, "Cold Wall" 836
General Motors Corp 837
Supplementary regulations:
Automotive and farm tractor repair services; use of flat rate manuals in establishing ceiling prices for (SR 3):
Authority of District Directors. *See* Authority, delegations of.
Special orders:
Chrysler Corp 836
Ford Motor Corp 887
General Motors Corp 789, 836, 1021
Nash Kelvinator 886, 1093
Studebaker Corp 887
Diaper supply services:
Pittsburgh, Pennsylvania (SR 40) 874
Wheeling, West Virginia. *See* Linen supply services.
Dry cleaning services in Spokane, Washington (SR 44) 1053
Frozen food locker plants, processing services of (SR 38) 718
Laundries, hand, in Philadelphia, Pennsylvania (SR 39) 752
Laundries, power, in Philadelphia, Pennsylvania area (SR 25); additional power laundries 873
Linen supply services:
New York area, metropolitan, sales of certain linen supply services to small commercial users (SR 24); extension of coverage to certain counties in New Jersey 770
Pittsburgh, Pa., area (SR 36); computation of price increase 683
Wheeling, West Virginia; linen and diaper supply services in (SR 42) 902
Warranty services, wholesale labor (SR 16); special orders, General Motors Corp 835
Window washing services:
Chicago, Illinois (SR 41) 902
New York area, window washing, and building janitorial services in (SR 43) 953
Territorial supplementary regulations; Virgin Islands, tire recapping and retreading services in (TSR 2), revocation (GOR 23) 1041
Soaps and cleansers, household (CPR 10); revocation (GOR 7) 899

PRICE STABILIZATION, OFFICE OF—Continued — Page

Soft drinks, exemption. *See* Foods.
Springs, mechanical precision. *See* Mechanical precision springs.
Stampings, metal. *See* Mechanical precision springs, metal stampings, etc.
State laws, adjustments respecting. *See* Adjustments.
Steel. *See* Iron and steel.
Tacks, cut; exemption of (GOR 9) ---- 720
Telephone charges by hotels, exemption (GOR 14) -- 768
Territories and possessions of United States:
Ceiling prices for all commodities not produced or manufactured in territories or possessions where sold (CPR 9); uniform ceiling prices, establishment of (SR 3), special order respecting Wembley, Inc ---- 1020
Charcoal, retail ceiling prices for sales in Virgin Islands (CPR 154) revocation (GOR 23) ---- 1041
Exemptions, territorial (GOR 23):
Exemptions ---- 1041
Revocations of various regulations ---- 1041
Food products sold in Puerto Rico. *See* Foods.
Lumber, certain, produced and sold in Alaska. *See* Wood and wood products.
Needlework industry in Puerto Rico, ceiling prices for contractors' services (CPR 44); revocation (GOR 23) ---- 1041
Paper and paper products sold in Puerto Rico. *See* Paper, paperboard, etc.
Petroleum products sold in; exemptions, certain. *See* Petroleum products.
Petroleum products sold in Virgin Islands. *See* Petroleum products.
Restaurants and eating and drinking establishments. *See* Restaurants.
Textile products sold in Puerto Rico. *See* Textiles.
Tires, recapping and retreading services in Virgin Islands. *See under* Services.
Textiles:
Exemptions for certain textiles and textile waste. *See* Consumer goods.
Puerto Rico, textile products sold in (CPR 166); special order, Wembley, Inc ---- 1173
Tobacco products, exemption (GOR 7) ---- 1138
Towing services by tug and barge operators, certain; exemption. *See* Services.
Toys and games, exemption. *See* Consumer goods.
Trailer coaches; exemption (GOR 9) ---- 1009
Transportation services exemption. *See* Services.
Veal. *See* Livestock and meat.
Veneer, hardwood commercial and utility type; suspension (GOR 34) ---- 775
Virgin Islands. *See* Territories and possessions of United States.
Warehousing dock and terminal services; exemption (GOR 14) ---- 1010
Window glass, certain; exemption (GOR 9) ---- 901
Window washing services in Chicago. *See* Services.
Wood and wood products:
Alaska-produced sitka spruce and West Coast hemlock lumber; ceiling prices for sales in Alaska (CPR 168); revocation (GOR 23) ---- 1041
Exemptions and suspensions of certain wood and lumber products (GOR 34):
Definitions; deletion ---- 1011
Exempted commodities and services; general decontrol of lumber and wood products and allied commodities and services ---- 1011
Cigar box shook, sitka spruce ---- 774
Suspensions ---- 775
Deletion ---- 1011
Veneer; hardwood commercial and utility type ---- 775
Yearling. *See* Livestock and meat.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION:
New Jersey; transfer of property known as Finns Point Range Rear Light Station, Salem County, to Secretary of Interior for migratory bird conservation, pursuant to act of May 19, 1948 ---- 943

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR: — Page
Minimum wage determinations, various industries; woolen and worsted, notice of extension of time for filing exceptions and objections to proposed minimum wage ---- 807

PUBLIC HEALTH SERVICE:
Fellowships, travel expenses for regular fellowships; allowance not to exceed amounts prescribed by Surgeon General ---- 776

PUBLIC HOUSING ADMINISTRATION:
Construction of multiunit residential housing under National Production Authority CMP Regulation 6; authority of Development Division respecting -- 943
Organization and final delegation of authority:
Central office:
Administrative and Fiscal Division, Comptroller, Chief of Financing and Securities Section, and Chief of Securities and Investment Unit; authority to prepare and sign "Letter of Agreement to Cancel Advance Loan Notes" -- 1122
Development Division; interim delegation of authority. *See* Interim delegation.
Interim delegation; Development Division. Assistant and Deputy Assistant Commissioners, authority respecting construction of multiunit residential housing under National Production Authority CMP Regulation 6 ---- 943
Special delegations of authority:
Linda Vista Project, California, disposition of; authority of Realty Officer, Arthur B. Howell, to exercise functions of supervising or contracting officer, revocation ---- 1023
Realty Officer, Leo I. O'Brien, San Diego, Calif., authority to exercise functions of supervising or contracting officer ---- 1023
PUERTO RICO. *See* Territories and possessions.

Q

QUARANTINE:
Animals and animal products. *See* Animal Industry Bureau.
Plants and plant products, potatoes. *See* Entomology and Plant Quarantine.

R

RAILROAD AND AIRLINE WAGE BOARD:
Adjustments of wages, salaries and other compensation proposed in petitions pending before Board to be placed in effect, provisions respecting approval of agreements (Executive Order 10434) -- 809
Suspension of wage and salary controls by Executive Order 10434 ---- 809, 826
Questions and answers respecting ---- 981

RAILROAD RETIREMENT BOARD:
Railroad Unemployment Insurance Act, regulations under; sickness benefits and maternity benefits:
Filing statement of maternity sickness and supplement and claim for maternity benefits; when form considered filed ---- 853
Filing statement of sickness and claim for sickness benefits; when form considered filed ---- 853

RAILROADS:
Benefits of employees. *See* Railroad Retirement Board.
Operation, tariffs, etc. *See* Interstate Commerce Commission.

RECLAMATION BUREAU:
Columbia Basin Project, Washington. *See* Irrigation and reclamation projects.
Farm units, sale of, with preference rights to veterans; Columbia Basin Project, full-time farm units ---- 1015
Irrigation and reclamation projects:
Columbia Basin Project, Washington; sale of farm units with preference rights to veterans, full-time farm units ---- 1015

RECLAMATION BUREAU—Continued Page
Irrigation and reclamation projects—Continued
Water made available, rental charges, operation and maintenance charges, etc.:
Operation and maintenance charges, annual; Yuma Irrigation Project, Arizona-California; Reservation Division 699
Rental charges, annual water rental charges; Yuma Irrigation Project, Arizona-California:
Reservation Division 699
Valley Division 699
Sale of farm units with preference rights to veterans; Columbia Basin Project, Washington 1015
RED CROSS MONTH, 1953 (Proclamation 3006) 1127

RENEGOTIATION BOARD:
Renegotiation Act of 1948, Military Renegotiation regulations under; procedure for renegotiation:
Agreement procedure:
Determination by Board 1134
Determination by Regional Board; class A cases 1134
Clearance procedure:
Determination by Board 1134
Determination by Regional Board; class A cases 1134
Unilateral order procedure; determination by Regional Board, class A cases 1134
Renegotiation Act of 1951, regulations under:
Agreement procedure:
Determination by Board 1135
Determination by Regional Board; class A cases 1135
Clearance procedure:
Determination by Board 1135
Determination by Regional Board; class A cases 1135
Exemptions from renegotiation:
Mandatory exemptions from renegotiation; contracts not having direct connection with national defense:
Bureau of Reclamation, list of projects 752, 1134
Corps of Engineers, list of projects 751
Maintenance dredging, all contracts for 752
Materials for authorized resale 751
Military exchanges and similar organizations 752
Tennessee Valley Authority 1134
Permissive exemptions; contracts when contractual provisions adequate to prevent excessive profits:
Defense Minerals Exploration Administration 1135
Individual prime contracts and subcontracts 1135
Maritime Administration 1134
Unilateral order procedure; determination by Regional Board, class A cases 1135

RENT STABILIZATION OFFICE:
Rent control regulations under Housing and Rent Act of 1947, as amended:
Hotel regulation (RR 3):
See also Rooms in rooming houses and other establishments (RR 2); *and* Motor courts (RR 4).
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Colorado; Pueblo 725, 1171
Illinois:
Champaign-Vermilion 905
Lake County 725
Pennsylvania; Williamsport 1171
Schedule B, Defense Rental Areas, individual, specific provisions for, or for portions thereof; Ohio:
Columbus 1171
Erie County-Oak Harbor 1171
Housing rent regulation (RR 1):
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Colorado; Pueblo 725
Illinois:
Champaign-Vermilion 904
Lake County 725
Kentucky; Ashland-Catlettsburg-Raceland 725
New Jersey; Northeastern 1170
Pennsylvania:
Pittsburgh 904
Williamsport 1170
Virginia; Arlington County 1056
West Virginia; Marion-Monongalia Counties 1011

RENT STABILIZATION OFFICE—Continued Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
Colorado; Pueblo 1171
Ohio:
Columbus 1170
Erie County-Oak Harbor 1171
Motor courts (RR 4):
See also Hotel regulation (RR 3); *and* Rooms in rooming houses (RR 2).
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Colorado; Pueblo 725, 1171
Illinois:
Champaign-Vermilion 905
Lake County 725
New Jersey; Northeastern 1171
Pennsylvania; Williamsport 1171
Schedule B, Defense Rental Areas, individual, specific provisions for, or for portions thereof; Ohio, Erie-Oak Harbor 1172
Rooms in rooming houses and other establishments (RR 2):
See also Hotel regulation (RR 3); *and* Motor courts (RR 4).
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Colorado; Pueblo 725
Illinois:
Champaign-Vermilion 904
Illinois; Lake County 725
Kentucky; Ashland-Catlettsburg-Raceland 725
New Jersey; Northeastern 1170
Pennsylvania:
Pittsburgh 904
Williamsport 1170
Virginia; Arlington County 1056
West Virginia; Marion-Monongalia Counties 1011
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
Colorado; Pueblo 1171
Illinois; Chicago 937
Ohio:
Columbus 1170
Erie County-Oak Harbor 1171

S

SALARY STABILIZATION BOARD:
Adjustments:
General adjustments and stabilization of salaries and other compensation (GSSR 1); employees of certain non-profit organizations 696
Proposed adjustments of salaries and other compensation in petitions pending before Board to be placed in effect; provisions respecting approval of agreements (Executive Order 10434) 809
Suspension of salary controls by Executive Order 10434 809, 826
Questions and answers respecting 981

SALARY STABILIZATION OFFICE:
Regulations issued by Board. *See main heading* Salary Stabilization Board.
Suspension of salary controls by Executive Order 10434 809, 826
Questions and answers respecting 981

SCARCE MATERIALS, designation of. *See* National Production Authority.

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Alabama Gas Corp 864
Alabama Power Co 919
American Water Works and Electric Co., Inc. and subsidiaries 1097
Amesbury Electric Light Co 919
Appalachian Electric Power Co 705, 1099
Arkansas Natural Gas Corp 1143
Arkansas Power & Light Co 745

20000—53——5

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Arlington Gas Light Co 1123
Athol Gas Co 1144
Atlantic Refining Co 1097
Attleboro Steam and Electric Co 919
Beverly Gas and Electric Co 1144
Birmingham Electric Co 919
Central Maine Power Co 865, 1123
Central Massachusetts Gas Co 1124
Central Operating Co 1099
Central Public Utility Corp 785
Central and South West Corp 1174
Cities Service Co 1143
Connecticut River Power Co 1144
Coughlin, Christopher H 787
Crawford, W. T 787
Crystal City Gas Co 1123
Delaware Power & Light Co 1124
Eastern Utilities Associates 866
Electric Bond and Share Co 864
Electric Energy, Inc 756
Electric Power & Light Corp 745
Empire Securities Corp 756
Fall River Electric Light Co 866
Georgia Power Co 704, 919, 1144
Glantz, Harry 1049
Gloucester Electric Co 919
Gloucester Gas Light Co 1124
Green, H. L., Inc 704
Haverhill Electric Co 1099
Homestake Mining Co 1097
Horton, Robert E 971
Illinois Power Co 756
Interstate Power Co 745
Jones & Laughlin Steel Corp 1097
Kentucky Utilities Co 756
Lawrence Gas and Electric Co 1099
Long Island Lighting Co 944
Louisiana Power & Light Co 745
Lowell Electric Light Corp 1099
Lutts, W. E., & Co 746
Lutts, W. Earle 746
Malden Electric Co 1099
Malden and Melrose Gas Light Co 1124
Merck & Co 834
Middle South Utilities, Inc 745, 756, 834
Mississippi Power Co 989
Mississippi Power & Light Co 745, 834, 990
Mitchell Securities Corp 884
Mulligan, Robert A 1049
Narragansett Electric Co 1100
Nassau & Soffolk Lighting Co 944
National Gypsum Co 1097
New England Electric System 756, 856, 1100, 1143, 1144
New England Power Co 989, 1099
New England Public Service Co 1145
New Orleans Public Service, Inc 745
Niagara Mohawk Power Corp 884, 1023, 1098
North Penn Gas Co 787, 1123
Northampton Electric Lighting Co 919
Northampton Gas Light Co 1144
Northern Berkshire Gas Co 919
Northern New England Co 1145
Norwood Gas Co 1144
Ohio Power Co 1099
Pennsylvania Gas & Electric Corp 1123
Penn-Western Service Corp 1123
Potomac Edison Co 920
Potomac Light and Power Co 920
Providence Investment Co 971
Queens Borough Gas and Electric Co 944
Quincy Electric Light and Power Co 919
Raytheon Manufacturing Co 1097
Roche, John C 971
Roche, John C., & Co 971
Salem Electric Lighting Co 1099
Salem Gas Light Co 1124
Southern Berkshire Power & Electric Co 1144
Southern Co 704, 919
Southern Natural Gas Co 864
Standard Gas and Electric Co 705
Standard Power and Light Corp 705, 785
Suburban Gas and Electric Co 1099
Texas Pacific Coal and Oil Co 834
Union Electric Co. of Missouri 756, 1097

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Warner, Rawleigh 787
West Penn Electric Co 1097
Weymouth Light and Power Co 919
Worcester County Electric Co 1099
Practice and procedure; conduct of members and employees and former members and employees of Commission 849
Leave of absence, employees on 852
Outside or private employment, and negotiation for 851, 852
Personal interest, action in cases of 852
Policy, general statement of 851
Practice by former members and employees of Commission 852
Securities transactions 851
Violation and participation in violation of this part 852
Regulations under various acts; Securities Exchange Act of 1934:
Directors, officers, and principal stockholders, reports of:
Beneficial ownership of securities held in trust 1131
Exemptions:
Small transactions, certain 1132
Transactions exempted from reporting requirements under section 16 (a) to be exempted from section 16 (b) 1132
Reports of directors, officers, and principal stockholders. *See* Directors, officers, and principal stockholders.

SECURITY:
Inventions relating to national security, secrecy of. *See* Patent Office.
Vessels and waterfront facilities. *See* Coast Guard.

SELECTIVE SERVICE SYSTEM:
Registration procedures:
Inmate of institution, manner of registration of 934
Manner of registration, registration certificate 933

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, inspection of tax returns by (Executive Order 10435) 809

SMALL DEFENSE PLANTS ADMINISTRATION:
Voluntary agreements and programs, small business production pools, and participating companies; Small Plants Associates of Philadelphia 1124

STATE DEPARTMENT:
Foreign duty of Federal personnel; compensation, additional, in foreign areas, lists of differential posts, and deletions:
British Guiana 793
Honduras 793
Indonesia 793
Kenya 793
Malaya 793
Philippines 793
Thailand 793
Turkey 793

T

TARIFF COMMISSION:
Investigation of imports under Trade Agreements Extension Act of 1951 and section 332 of Tariff Act of 1930; mustard seed 943

TELEVISION SERVICE. *See* Federal Communications Commission.

TERRITORIES AND POSSESSIONS:
District Court of United States for Puerto Rico; designation of Honorable Benjamin Ortiz as Acting Judge (Executive Order 10437) 1051
Minimum wage rates for Puerto Rico. *See* Wage and Hour Division.
Price regulations for Alaska, Hawaii, Virgin Islands and Puerto Rico. *See* Price Stabilization, Office of.

TRADE AGREEMENTS; investigation of tariff concessions. *See* Tariff Commission.

TREASURY DEPARTMENT:
See Coast Guard.
Customs Bureau.
Internal Revenue Bureau.

TREASURY DEPARTMENT—Continued Page

Accounts Bureau, surety companies acceptable on Federal bonds; certificate of authority issued to American Aviation & General Insurance Co.... 1047
Bonds, Treasury. *See* Public Debt Bureau.
Certificates, Treasury. *See* Public Debt Bureau.
Fiscal Service. *See* Accounts Bureau; *and* Public Debt Bureau.
Foreign Assets Control Division; importation of certain merchandise of Hong Kong, Japanese, or Taiwan (Formosan) origin.... 1140
List of merchandise for which foreign government certifications are available.... 1140
Public Debt Bureau:
Bonds, Treasury:
1953–55, 2 percent; notice of call for redemption.. 913
1958, 2½ percent; offering of.... 734
Certificates of indebtedness, Treasury, Series A–1954, 2¼ percent; offering of.... 733

V

VESSELS:
Charter of vessels. *See* Maritime Board.
Interstate commerce regulations respecting water carriers. *See* Interstate Commerce Commission.
Radio service, maritime. *See* Federal Communications Commission.
Subsidized vessels and operators. *See* Maritime Administration.
Transportation agreements. *See* Maritime Board.

VETERANS' ADMINISTRATION:
Servicemen's Readjustment Act of 1944, Title III, loan guaranty; delegation of authority.... 983
Vocational rehabilitation and education; registration and research, determination of subsistence allowance, etc., respecting institutional on-farm training:
Annual report.... 826
Compensation for productive labor.... 826
Estimate of anticipated compensation.... 826

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates to certain workshops.... 738, 1046
Learners; issuance of certificates for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions.. 702, 860, 941, 1093
Cigar.... 860
Hosiery.... 703, 861, 942, 1094
Knitted wear.... 703, 942, 1094

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Learners; issuance of certificates for various industries—Continued
Miscellaneous.... 703, 1094
Puerto Rico; miscellaneous industries.... 703, 942, 1094
Shoe.... 942
Telephone (independent).... 861, 1094
Virgin Islands; miscellaneous industries.... 703
Minimum wages:
Exemptions from:
Learners. *See* Learners.
Retail and service establishments. *See* Retail and service establishments.
In Puerto Rico. *See* Puerto Rico.
Monument dealers establishments. *See* Retail and service establishments.
Overtime compensation; exemptions. *See* Retail and service establishments; *and* Seasonal industries.
Puerto Rico, minimum wage rates for workers in various industries, hearings by special industry committees, wage orders, etc.:
Learners certificates. *See* Certificates, special.
Minimum wage orders, etc.; investigation by special industry committees:
Appointment of member to Committee 13.... 941
Of various industries; stone, glass, and related products.... 698, 1160
Retail or service establishments, exemption from minimum wage and overtime compensation provisions of Fair Labor Standards Act; application of 13 (a) (2) and 10 (a) (4) exemptions to monument dealers' establishments.... 749
Seasonal industries:
Determinations respecting.... 1044
Partial exemption from overtime provisions of Fair Labor Standards Act, section 7 (b) (3).... 1044
Service establishments. *See* Retail and service establishments.

WAGE STABILIZATION BOARD:
Adjustments of wages and other compensation proposed in petitions pending before Board to be placed in effect, provisions respecting approval of agreements (Executive Order 10434).... 809
Suspension of wage controls by Executive Order 10434.... 809, 826
Questions and answers respecting.... 981

WAR CLAIMS COMMISSION:
Practice before Commission; restrictions on former employees.... 697

WILDLIFE:
Finns Point Range Rear Light Station, Salem County, New Jersey, transfer to Secretary of Interior for migratory bird conservation, pursuant to act of May 19, 1948.... 943
Hunting and possession of. *See* Fish and Wildlife Service.

CODIFICATION GUIDE, FEBRUARY 1953

A numerical list of the sections of the Code of Federal Regulations affected by documents published during February 1953. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3 Page

Chapter I (Proclamations):
3005.... 1103
3006.... 1127
Chapter II (Executive orders):
4719 (revoked in part by PLO 882).... 776
5352 (revoked in part by PLO 882).... 776
10161 (amended by EO 10433) 761
10193 (see EO 10433).... 761
10200 (see EO 10433).... 761
10433.... 761
10434.... 809

TITLE 3—Continued Page

Chapter II (Executive orders)—Continued
10435.... 809
10436.... 1051
10437.... 1051

TITLE 5
Chapter I:
Part 6:
6.112.... 841
Part 9:
9.107.... 761
Part 25:
25.11.... 749, 1077

TITLE 5—Continued Page

Chapter I—Continued
Part 27:
27.2.... 749
Chapter III:
Part 325:
325.11.... 793

TITLE 6
Chapter I:
Part 4:
4.1.... 975
Part 70:
70.4.... 947

TITLE 6—Continued Page

Chapter I—Continued
Part 70—Continued
70.5 947
70.7 947
Chapter III:
Part 311:
311.30 843
Part 333:
333.3 1147
Chapter IV:
Part 601:
601.1558 714
601.1711 869
601.1758 869
601.1908 714
601.2058 870
Part 607:
607.354 1149
Part 638:
638.401–638.415 1149
Part 643:
643.835 1103

TITLE 7

Subtitle A:
Part 5:
5.4 1151
Chapter I:
Part 27:
27.2 1105
27.3 1105
27.4 1105
27.5 1105
27.7 1105
27.8 1105
27.31 1105
27.42 1105
27.43 1105
27.44 1105
27.45 1105
27.47 1105
27.52 1105
27.53 1105
27.62 1105
27.63 1105
27.65 1105
27.71 1105
27.73 1105
27.82 1105
27.84 1105
27.86 1105
27.87 1105
27.90 1105
27.94 1105
27.95 1105
27.97 1105
27.99 1105
Part 51:
51.278 763
51.301 764
Part 52:
52.216 1106
52.218 1108
Part 70:
Proposed rules 733
70.6 709
70.7 709
70.8 711
Part 162:
162.111 841
Chapter III:
Part 301:
301.13–4b 947
Chapter VII:
Part 707:
707.204 712
707.250 712
707.253 712
Part 713:
713.33 925

TITLE 7—Continued Page

Chapter VII—Continued
Part 723:
723.424 925
Chapter IX:
Part 903:
Proposed rules 1114
Part 904:
904.48 712
Part 906:
Proposed rules 1043, 1044
Part 921:
Proposed rules 828, 1116
Part 924:
Proposed rules 910
Part 928:
Proposed rules 1090
Part 929:
Proposed rules 1043, 1044
Part 930:
930.45 871
930.50 871
930.74 871
Part 932:
Proposed rules 958
Part 933:
933.612 793
933.613 795
933.614 795
933.615 889
933.616 891
933.617 927
933.618 1151
933.619 1151
933.620 1152
Part 936:
936.102–936.103 712
936.117 712
Part 949:
949.51 1153
Part 953:
953.578 796, 892
953.579 892
953.580 1027
953.581 1152
Part 955:
955.350 1029
Part 957:
957.309 949
Part 959:
959.308 950
Part 961:
Proposed rules 984
961.40 1154
961.41 1154
Part 965:
Proposed rules 985
Part 975:
Proposed rules 910
Part 976:
Proposed rules 1117
976.44 1154
976.70 1155
976.72 1155
Part 986:
Proposed rules 1118
Part 988:
Proposed rules 846
Part 992:
992.307 950

TITLE 9

Chapter I:
Part 76:
76.26 995, 1127

TITLE 12

Chapter II:
Part 220:
220.8 1129

TITLE 12—Continued Page

Chapter II—Continued
Part 221:
Proposed rules 1172
221.4 1129
Part 224 871

TITLE 14

Chapter I:
Part 20:
Proposed rules 1091
Part 21:
Proposed rules 1091
21.24 1130
Part 22:
Proposed rules 1091
Part 24:
Proposed rules 1091
Part 25:
Proposed rules 1091
Part 26:
Proposed rules 1091
Part 27:
Proposed rules 1091
Part 33:
Proposed rules 1091
Part 34:
Proposed rules 1091
Part 35:
Proposed rules 1091
Part 40:
Proposed rules 1120
Part 42:
Uncodified special regulation 927
42.14–1 766
Part 51:
Proposed rules 1091
Part 52:
52.5–1 950
52.21–1 950
52.21–2 951
52.21–3 951
52.22–1 951
52.24–1 951
52.25–1 951
52.30–2 951
52.32–1 951
Part 60:
60.72 844
Part 61:
Proposed rules 1120
Chapter II:
Part 600:
600.101 680
600.206 680
600.213 929
600.244 680
600.272 929
600.613 680
600.632 680
600.647 929
600.1001 929
600.6002 680
600.6004 929
600.6008 680
600.6019 680
600.6025 680
600.6029 767
600.6035 929
600.6038 929
600.6039 929
600.6040 930
600.6041–600.6042 930
600.6044 930
600.6046 930
600.6072 930
600.6075 930
600.6111 930
600.6119 680, 930
600.6120 680

TITLE 14—Continued Page
Chapter II—Continued
Part 601:
601.213 930
601.647 930
601.1002 680
601.1004 680
601.1007 680
601.1053 681
601.1322–601.1325 681
601.1326–601.1328 930
601.1984 681, 930
601.2038 681
601.2089 681
601.2104 930
601.2118 930
601.2168 681
601.2190 930
601.2213 681
601.2249 681
601.2307 681
601.4013 930
601.4107 930
601.4206 681
601.4227 931
601.4272 681
601.6035 931
601.6038–601.6039 931
601.6044 931
601.6046 931
601.6072 931
601.6075 931
601.6119 681, 931
601.6120 681
601.7001 681, 931
Part 608:
608.18 1155
608.36 931, 1155
608.38 844
608.39 1155
608.40 681
608.52 844
608.62 844
Part 609:
609.6 814
609.11 815
609.15 817
Part 610:
610.3 767
610.13 1155
610.14 767
610.101 767
610.102 767
610.105 767, 1156
610.106 767
610.108 1156
610.206 1156
610.213 1156
610.272 1156
610.290 767
610.609 767
610.618 1156
610.621 1156
610.631 1156
610.647 1156
610.670 1156
610.681 1156
610.1002 767
610.6002 768
610.6004 1156
610.6005 768
610.6006 1156
610.6008 768, 1156
610.6009 768, 1156
610.6014 1157
610.6015 1157
610.6017 1157
610.6019 768
610.6025 768
610.6030 1157
610.6035 1157

TITLE 14—Continued Page
Chapter II—Continued
Part 610—Continued
610.6038 1157
610.6039 1157
610.6040 1157
610.6042 1157
610.6044 1157
610.6045 1157
610.6047 1157
610.6072 1157
610.6075 1157
610.6092 1157
610.6096 1157
510.6097 768
610.6117 1157
610.6119 1157
610.6120 768

TITLE 15
Chapter I:
Part 30:
Proposed rules 1139
Chapter III:
Part 370:
370.7 905, 906
Part 373:
373.2 978
373.29 978
373.51 906, 978, 1132
Part 375:
375.1 978
375.2 978
375.3–375.4 978
375.5 978
375.6 978
Part 376:
376.51 713
Part 381:
381.5 978
Part 382:
382.51 906, 978
Part 398:
398.8 979
Part 399:
399.1 713, 906, 907, 908, 979, 980, 1132, 1133

TITLE 16
Chapter I:
Part 3:
3.15 997
3.20 997, 1110
3.30 809, 1111, 1130, 1158
3.70 893
3.85 893
3.90 893, 997
3.110 893
3.130 893
3.155 893
3.170 809, 975, 997, 998, 1110, 1111, 1130, 1158
3.195 975, 1110
3.205 809, 1111, 1130
3.235 809, 893
3.240 809
3.245 893
3.260 1130
3.285 893
3.290 893
3.330 893
3.380 893
3.470 893
3.560 893
3.565 893
3.613 893
3.715 844
3.725 844
3.1185 975
3.1290 975, 998
3.1315 975
3.1325 809

TITLE 16—Continued Page
Chapter I—Continued
Part 3—Continued
3.1395 931
3.1425 809
3.1490 931
3.1680 812
3.1710 812
3.1735 812
3.1825 812
3.1875 812
3.1890 977
3.1980 893
3.2000 811
3.2060 812
3.2070 812
3.2080 931, 1130
3.2345 811
3.2380 931

TITLE 17
Chapter II:
Part 203 851
Part 240:
240.16a–8—240.16a–10 1131

TITLE 18
Chapter I:
Proposed rules 1140
Part 260:
260.3 813

TITLE 19
Chapter I:
Part 8:
8.8 714
Part 10;
10.30b 932
Part 24:
24.9 714

TITLE 20
Chapter II:
Part 335:
335.104 853
335.204 853

TITLE 21
Chapter I:
Part 3:
3.29 1077
Part 141:
141.60 951
141.118 951
Part 146:
146.83 894
146.84 951
146.113 952

TITLE 25
Chapter I:
Part 130:
Proposed rules 939
130.77 797
130.77b 797

TITLE 26
Chapter I:
Part 29:
I. R. C. 12 (c) 1135
29.12–2 1136
29.12–5 1136
I. R. C. 22 (b) (13) 714, 715
29.22 (b) (13)–2 715
29.23 (q)–1 797
I. R. C. 23 (x) 894
29.23 (x)–1 895
I. R. C. 24 (f) 797
29.24–10 798
I. R. C. 25 (b) (1) 1137
29.25–3 1137
I. R. C. 51 (f) (1) 1137
29.51–2 1137
I. R. C. 102 (d) (1) 999
29.102–4 999

TITLE 26—Continued Page

Chapter I—Continued

Part 29—Continued

29.112 (a)-1 999
I. R. C. 112 (b) (11) 999
29.112 (b) (11)-1—29.112 (b) (11)-2 999
I. R. C. 112 (f) 1029, 1030
29.112 (f)-1 1030
29.112 (f)-2 1030
29.112 (f)-3 1030
29.112 (g)-1 1000
29.112 (g)-2 1000
29.112 (g)-5 1000
I. R. C. 112 (n) 1031, 1032
29.112 (n)-1 1032
I. R. C. 113 (a) (9) 1034, 1035
29.113 (a) (9)-1 1035
I. R. C. 113 (a) (23) 1000
29.113 (a) (23)-1 1000
29.113 (a)-2 1000
I. R. C. 113 (b) (1) 798, 1035
29.113 (b) (1)-1 793, 1035
29.115-11 1000
I. R. C. 117 (h) (7) 1035
I. R. C. 117 (j) 798
29.117-4 1035
29.117-7 798
I. R. C. 131 (a) 677
I. R. C. 131 (j) 677
29.131-1 677
29.131-4 677
29.131-8 677, 679
29.131-10 679
I. R. C. 153 (b) 1001
29.153-2 1001
I. R. C. 154 715
29.154-1 715
I. R. C. 162 (a) 1001
I. R. C. 162 (g) 1001, 1002
29.162-1 1002
29.162-3—29.162-4 1002
I. R. C. 201 (a) (1) 1035
29.201-1 1035, 1036
29.201-5 1036
29.201-6 1036
29.202-2 1036
I. R. C. 203A 1036
29.203a-1 1036
29.203a-2 1036
I. R. C. 276 1035
29.275-1 1035
I. R. C. 373 (d) (1) 895
29.373-1 895, 896
I. R. C. 402 1137
29.402-1 1137

Part 40:

I. R. C. 433 (a) (1) 1036
40.433 (a)-2 896, 1036
40.433 (b)-2 872
I. R. C. 435 (c) 933
40.435-1 933
I. R. C. 448 (c) 897
I. R. C. 448 (e) 897
40.448-1 897
40.448-2 897
40.448-3 898
I. R. C. 459 (a) 933
40.459 (a)-1 933
I. R. C. 459 (c) 716
40.459 (c)-1 716

Part 130:

Statutory provisions 1159, 1160
130.0 1159
130.30 1159
130.33 1159
130.44 1159
130.46 1159
130.47 1159
130.51 1160

TITLE 26—Continued Page

Chapter I—Continued

Part 130—Continued

130.53 1160
130.54 1160
130.60a 1160
130.64 1160

Part 458:

458.316 819

Part 601:

601.17 1003

TITLE 27

Chapter I:

Part 5:

5.35 717

TITLE 28

Chapter I:

Part 11:

11.100 768

TITLE 29

Chapter V:

Part 526:

Proposed rules 1044

Part 678 1160

Proposed rules 698

Part 779:

779.30 749

TITLE 30

Chapter I:

Part 15:

15.1 1003
15.2 1004
15.3 1004
15.4 1004
15.5 1004
15.6 1004
15.7 1004
15.8 1004
15.9 1004
15.10 1004
15.11 1004
15.12 1004
15.13 1004
15.14 1004
15.15 1004

Part 17 1004

TITLE 32

Chapter IV:

Part 404:

404.000—404.104-2 820

Part 405:

405.105-1 821
405.109 821

Chapter V:

Part 535:

535.6 751
535.7 751
535.8 751
535.9b 751

Part 561:

561.18 1036
561.20 872

Part 590:

590.253-2 853
590.306—590.306-1 853
590.306-50—590.306-51 854
590.350 854
590.355-1 854
590.357 854
590.456 854
590.602 854
590.604-2 854
590.604-12 854
590.607-1 854

Part 591:

591.201 854
591.401 854
591.404 854

TITLE 32—Continued Page

Chapter V—Continued

Part 591—Continued

591.406 855
591.407 855

Part 592:

592.213-3 855

Part 594:

594.000 855
594.101 855
594.103-594.104 855
594.301 855
594.302 855

Part 595:

595.103-4 855
595.107 856

Part 596:

596.103-8 856

Part 597:

597.704 857

Part 598:

598.301-10 857

Part 599:

599.102 857

Part 600:

600.350 857

Part 601:

601.101 857
601.1101-601.1153 858
601.1101 1112

Chapter VI:

Part 710 1057

Part 711:

711.306 953
711.509 953

Chapter XI:

Part 1101:

1101.41 682

Chapter XIV:

Part 1422:

1422.252-1 1134
1422.253 1134
1422.263-1 1134
1422.264 1134
1422.272-1 1134

Part 1453:

1453.5 751, 752, 1134

Part 1455:

1455.4 1134

Part 1473:

1473.2 1135
1473.3 1135

Part 1474:

1474.3 1135
1474.4 1135

Part 1475:

1475.3 1135

Chapter XVI:

Part 1613:

1613.15 933
1613.41 934

Chapter XVII:

Part 1701:

1701.5 1040
1701.10-1701.11 1040

TITLE 32A

Chapter I (ODM):

DMO 25 821, 845

Chapter II (ESA):

Int. 1 981

Chapter III (OPS):

CPR 1:

Sec. 10 1041

CPR 3 1010
CPR 3, SR 1 1010
CPR 4 1010
CPR 4, SR 1 1010
CPR 6 899
CPR 7 823
CPR 10 899

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 11 824
CPR 14:
Sec. 35 718
CPR 21 1010
CPR 22, SR 6 682
CPR 22, SR 15 824
CPR 22, SR 19 682
CPR 23 824
CPR 24 824
CPR 24, Int. 1 824
CPR 24, Int. 2 824
CPR 25 824
CPR 25, Int. 1–Int. 6 824
CPR 26 824
CPR 27 1010
CPR 30, SR 4:
Sec. 15 683
16 721
CPR 30, SR 8:
Sec. 9 683
CPR 31, SR 2:
Sec. 3 752
CPR 32 902
CPR 32, SR 1 902
CPR 32, SR 2 902
CPR 34, SR 24:
Sec. 1 770
3 770
4 770
5 770
8 770
Appendix A 770
CPR 34, SR 25:
Sec. 1 874
3 874
CPR 34, SR 36:
Sec. 3 684
CPR 34, SR 38 718
CPR 34, SR 39 752
CPR 34, SR 40 874
CPR 34, SR 41 902
CPR 34, SR 42 902
CPR 34, SR 43 953
CPR 34, SR 44 1053
CPR 34, TSR 2 1041
CPR 44 1041
CPR 50 1041
CPR 51:
Sec. 3.1 684
CPR 60, SR 1:
Sec. 1 721
2 722
3 722
CPR 60, SR 2:
Sec. 1 722
2 722
3 722
CPR 60, SR 3:
Sec. 1 722
2 722
3 723
CPR 60, SR 4:
Secs. 1–2 875
3 875
CPR 63 902
CPR 65 824
CPR 66 902
CPR 74 824
CPR 74, Int. 1 824
CPR 78 824
CPR 78, SR 1 824
CPR 78, SR 2 824
CPR 79 824
CPR 85 824
CPR 92 824
CPR 101 824
CPR 109 824

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 110:
Sec. 2 769
4 769
Appendix B 769
CPR 117:
Sec. 91 723
CPR 118, SR 1:
Sec. 1 821
2 821, 822
CPR 120 1041
CPR 129 824
CPR 134 824
CPR 134, Int. 1 824
CPR 143 1041
CPR 154 1041
CPR 156:
Sec. 3 1054
Appendix A 1054
CPR 161 1007
Appendix A 1007
CPR 168 1041
CPR 185 684
CPR 186 683, 934
DPR 1 824
DR 1 824
DR 1, Supp. 1 824
DR 2 824
DR 2, Int. 1 824
DR 2, Int. 2 824
DR 3 824
DR 3, Supp. 1 824
GCPR, SR 2 1010
GCPR, SR 4 1010
GCPR, SR 8 1010
GCPR, SR 13 1010
GCPR, SR 33:
Sec. 2 934
GCPR, SR 34 824
GCPR, SR 34, Int. 1 824
GCPR, SR 43 824
GCPR, SR 47 824
GCPR, SR 54 824
GCPR, SR 61 824
GCPR, SR 63 1007
GCPR, SR 63, AMPR 1–36 1007
Prior to revocation:
GCPR, SR 63, AMPR 7:
Technical amendment 771
Sec. 10 771
GCPR, SR 65 824
GCPR, SR 78 1010
GCPR, SR 79 824
GCPR, SR 100:
Sec. 9 875
GCPR, SR 133 903
Sec. 2 1041
GOR 3:
Sec. 20 898
22 824, 1006
23 898
GOR 4:
Sec. 2 822, 1006
3 772
GOR 5:
Sec. 2 823
4 823
20 823
21–22 1007
200 1007
GOR 7:
Sec. 1 823
2 693, 824, 899, 1007, 1138
3 824
4 824, 899, 1007, 1138
10–14 824
Prior to revocation:
13 772

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
GOR 8:
Sec. 1 825, 845, 899
2 825, 845, 899
GOR 9:
Sec. 1 1007
2 720, 771, 773, 774, 775, 900, 901, 1007, 1008, 1138
GOR 12 901
Sec. 3 1010
4 935
GOR 14:
Sec. 3 769, 825, 826, 1010
GOR 23:
Secs. 2.1–2.2 1041
3.1–3.4 1041
GOR 24 1138
GOR 32, SO 12 720
GOR 34:
Sec. 1 775
2 774, 1011
3 1011
4 775, 1011
GOR 35:
Appendix C 694, 724
GOR 42:
Sec. 5 695
23 695
24 696
25 725
26 859
GOR 43 1161
Chapter IV:
Subchapter A (SSB) 826, 981
Prior to suspension:
GSSR 1:
Sec. 5 696
Subchapter B (WSB) 826, 981
Subchapter C (RAWB) 826, 981
Subchapter D (NEC) 826, 981
Chapter V (DPA) 761
Reg. 1, Int. 1 775
Reg. 1, Int. 2 776
Chapter VI (NPA):
CMP Reg. 1, Dir. 19 875
CMP Reg. 1, Dir. 20 955
CMP Reg. 6, Dir. 7 877
CMP Reg. 6, Dir. 10 956
DSM–1 981
M–8 798
M–24 798
M–25 799
M–26 799
M–27 799
M–32 1112
M–41 1167
M–45 799
M–45, Sched. 10 799
M–46:
Sec. 8 1055
Schedule E 1055
M–46, Dir. 5 1055
M–46A, Dir. 3 1056
M–50, Dir. 4 799
M–82 935
M–91 1139
Reg. 1:
Table IA 846, 1139
Table IB 846, 1139
Table II 846, 1139
Reg. 2, Dir. 3:
Sec. 1 1139
Appendix A 1139
Chapter IX (PAD):
PAD 2 904
Chapter XIV (GSA) 1112
Reg. 4:
Sec. 6 1112
9 1112

TITLE 32A—Continued — Page

Chapter XXI (ORS):
RR 1:
Schedule A — 725, 904, 1011, 1056, 1170
Schedule B — 1170
RR 2:
Schedule A — 725, 904, 1011, 1056, 1170
Schedule B — 937, 1170, 1171
RR 3:
Schedule A — 725, 905, 1171
Schedule B — 1171
RR 4:
Schedule A — 725, 905, 1171
Schedule B — 1171
Chapter XXIII (DMPA):
MO–6:
Technical amendment — 956
MO–8:
Technical amendment — 956
Sec. 4 — 956

TITLE 33
Chapter I:
Part 121:
Proposed rules — 880
Part 126:
Proposed rules — 880
Chapter II:
Part 202:
202.224 — 1011
Part 207:
207.640 — 753

TITLE 37
Chapter I:
Part 3 — 1011
Part 5 — 1011

TITLE 38
Chapter I:
Part 21:
21.109 — 826
Part 36:
36.4342 — 983

TITLE 39
Chapter I:
Part 1:
1.26 — 909
1.32 — 909
Part 34:
34.76 — 1172
34.88 — 909
Part 35:
35.13 — 1042
35.22 — 1042
Part 127:
127.1 — 983
127.251 — 1042
127.278a — 1042
127.286 — 909
127.320 — 983
127.341 — 1042, 1043

TITLE 41
Chapter II:
Part 202:
Proposed rules — 807

TITLE 42
Chapter I:
Part 61:
61.9 — 776

TITLE 43
Chapter I:
Part 79:
79.1–79.13a — 937
Part 244:
244.9 — 1172
Appendix (Public land orders):
165 (see PLO 881) — 753

TITLE 43—Continued — Page

Chapter I—Continued
Appendix (Public land orders)—Continued
191 (see PLO 881) — 753
261 (see PLO 881) — 753
881 — 753
882 — 776
883 — 827
884 — 846

TITLE 45
Chapter V:
Part 501:
501.31 — 697

TITLE 46
Chapter I:
Part 10:
Proposed rules — 880
Part 45:
Proposed rules — 880
Part 56:
Proposed rules — 880
Part 75:
Proposed rules — 880
Part 76:
Proposed rules — 880
Part 94:
Proposed rules — 880
Part 95:
Proposed rules — 880
Part 111:
111.05–15 — 879
111.10–15 — 879
111.15–25 — 879
111.20–5 — 879
111.25–5 — 879
111.35–5 — 879
111.35–25 — 879
111.45–1 — 879
111.60–10 — 879
Part 137:
Proposed rules — 880
Part 146:
Proposed rules — 880
Part 160:
Proposed rules — 880
Part 162:
Proposed rules — 880
Part 164:
Proposed rules — 880
Chapter II:
Part 281:
281.2–281.6 — 909

TITLE 47
Chapter I:
Part 1:
1.318 — 726
1.343 — [1077]
1.387 — 938
1.544 — [957]
1.724 — 939
1.840 — 939
1.841 — 939
Part 2:
Proposed rules — 732, 829
2.104 — 957
Part 3:
Proposed rules — 732, 829, 830, 831, 961, 962
3.1–3.192:
3.55 — 728
3.60 — 728
3.66 — 728
3.164 — 729
3.165 — 729, 939
Appendix — 731, 957
3.201–3.292:
3.252 — 729
3.253 — 729

TITLE 47—Continued — Page

Chapter I—Continued
Part 3—Continued
3.201–3.292—Continued
3.257 — 729
3.264 — 729, 957
3.265 — 729
3.274 — 730
Appendix — 731
3.552 — 730
3.553 — 730
3.557 — 730
3.564–3.565 — 730
3.572 — 730
3.606 — 1078
Part 5 — 1078
Part 6:
Proposed rules — 831
Part 7:
7.206 — 827
7.212 — 827
7.304 — 827
7.306 — 731, 827
Part 8:
Proposed rules — 732
8.321 — 827, 957
8.351 — 827, 957
8.355 — 827
8.359 — 731
Part 9:
Proposed rules — 962
Part 10:
10.255 — 958
10.305 — 958
10.355 — 958
10.405 — 958
10.451–10.462 — 1088
10.455 — 958
Part 11:
Proposed rules — 1091
11.8 — 800
11.253 — 800, 958
11.303 — 800, 958
11.353 — 800, 958
11.403 — 958
11.453 — 958
11.503 — 800, 958
Part 12:
12.23 — 801
12.111 — 801
Part 13:
13.7 — 731
13.61 — 731
13.62 — 731
Part 14:
14.5 — 958
Part 16:
16.8 — 800
16.54 — 732
16.254 — 958
16.303 — 958
16.353 — 800, 958
16.453 — 958

TITLE 49
Chapter I:
Part 10:
10.704 — 697
10.711 — 697
10.721 — 697
Part 72:
72.5 — 801
Part 73:
73.21 — 801
73.31 — 802
73.56 — 802
73.61 — 802
73.62 — 802
73.63 — 802
73.64 — 802
73.65 — 802

TITLE 49—Continued — Page
Chapter I—Continued
Part 73—Continued
73.119 802
73.154 803
73.158 803
73.217 803
73.233 803
73.245 803
73.247 803
73.249 803
73.250 803
73.257 803
73.263 803
73.264 804
73.271 804
73.289 804
73.312 804
73.346 804

TITLE 49—Continued — Page
Chapter I—Continued
Part 73—Continued
73.364 804
73.365 804
73.370 804
Part 74:
74.506 804
74.525 804
Part 75:
75.660 805
Part 76:
76.701 805
76.707 805
Part 77:
77.807 805
Part 78:
78.6–9 805
78.6–10 805
78.11—78.11–7 805

TITLE 49—Continued — Page
Chapter I—Continued
Part 78—Continued
78.90–10 806
78.117–8 806
78.125–4 806
78.127–5 806
78.218–10 806
78.277 806
78.280 806
78.291 806
78.293 806
Part 170:
Proposed rules 1046
Part 301:
301.20 1043

TITLE 50
Chapter I:
Part 6:
6.54 823

20000—53——6

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